

## **EXHIBIT C:**

# **Resolution Certifying the EIR and Adopting General Plan Elements**

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### **Boyle Heights Community Plan Update**

CF 23-0861; CPC-2016-2905-CPU; ENV-2016-2906-EIR

Recommended by the City Planning Commission on April 20, 2023

September 2023

## RESOLUTION

A RESOLUTION OF THE COUNCIL OF THE CITY OF LOS ANGELES, CERTIFYING ENVIRONMENTAL IMPACT REPORT STATE CLEARINGHOUSE (SCH) No. 2016091010 (ENV-2016-2906-EIR) AS RELATED TO THE UPDATE TO THE BOYLE HEIGHTS COMMUNITY PLAN; ADOPTING FINDINGS OF FACT PURSUANT TO PUBLIC RESOURCES CODE SECTION 21081(a), APPROVING A MITIGATION MONITORING PLAN, ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS; AND ADOPTING THE UPDATE TO THE BOYLE HEIGHTS COMMUNITY PLAN, AN AMENDMENT TO THE LAND USE ELEMENT OF THE GENERAL PLAN, TO THE FRAMEWORK ELEMENT, AND TO THE MOBILITY PLAN 2035.

WHEREAS, the Boyle Heights Community Plan was adopted by the City Council in 1979 and amended in 1991 through the General Plan/Zoning Consistency Program, and then updated in 1998;

WHEREAS, the Department of City Planning has prepared an update to the Boyle Heights Community Plan, which consists of all of the following:

- (1) Amendments to the General Plan Land Use Map, referred to as the Boyle Heights Community Plan General Plan Land Use Map;
- (2) A new Boyle Heights Community Plan policy document;
- (3) Amendments to the Framework Element and Mobility Plan 2035 for consistency with the new Boyle Heights Community Plan;
- (4) Zoning ordinances to implement the Boyle Heights Community Plan:
  - a. Proposed amendments to LAMC Chapter 1A;
  - b. Proposed Zone Changes to the City of Los Angeles Zoning Map;
  - c. Proposed Boyle Heights Community Plan Implementation Overlay District;
  - d. Proposed amendment to the River Improvement Overlay (RIO);
  - e. Proposed amendment to the Clean Up Green Up (CUGU) Overlay;
  - f. Proposed amendment to the Adelante Eastside Redevelopment Plan Area

WHEREAS, a notice of public hearing on the Proposed Project was published in the "Daily Journal" on September 30, 2022, and notice was mailed to property owners and occupants on October 3, 2022 in accordance with LAMC Sections 11.5.6 and 12.32 C.4; and

WHEREAS, hearing officers of the Planning Department, as representatives of the City Planning Commission, pursuant to Los Angeles Municipal Code (LAMC) Section 11.5.6 C.1 and 12.32 C.2, held a public hearing regarding the Proposed Project on October 27, 2022 and made a report and recommendation; and

WHEREAS, a notice of a public hearing for the City Planning Commission was published in the "Daily Journal" on March 23, 2023, and notice was mailed to property owners and occupants on March 24, 2023 in accordance with LAMC Sections 11.5.6 and 12.32 C.4; and

WHEREAS, the City Planning Commission conducted a public hearing on April 20, 2023, and considered all evidence, both oral and written, made at the April 20, 2023 hearing, and the previous October 27, 2022 hearing, including but not limited to the Staff Report of the City Planning Department, including exhibits and appendices, which included the

recommendations of the hearing officers, and testimony, documents, and exhibits or attachments, submitted by interested parties, including other state and local agencies; and

WHEREAS, at the completion of the April 20, 2023 public hearing, the City Planning Commission recommended the City Council approve the Proposed Project with the modifications attached to the City Planning Commission's Letter of Determination, dated September 2023.

WHEREAS, the City Council finds the Proposed Project reflects changes in land use policies that have occurred in the community since the current Boyle Heights Community Plan, and its implementing ordinances, were adopted; and

WHEREAS, the City Council has reviewed and considered the Final Environmental Impact Report (FEIR) No. ENV-2016-2906-EIR, inclusive of the Draft EIR and its appendices, in its determination of adopting the Proposed Project; and

WHEREAS, pursuant to the City Charter Section 555 and LAMC Section 11.5.6, the Mayor and the City Planning Commission have transmitted their recommendations to the City Council.

NOW, THEREFORE, BE IT RESOLVED, AS FOLLOWS:

1. Recitals. The foregoing recitals are true and correct and incorporated herein by reference.
2. Findings. The City Council has reviewed the City Charter, General Plan, Municipal Code, and State law findings of the Los Angeles City Planning Commission and adopts these findings as the findings of the City Council.
3. CEQA Certification, Findings, and Statement of Overriding Considerations.
  - (a) Contents of FEIR. Pursuant to CEQA Guidelines Section 15132, the Final Environmental Impact Report (FEIR), which is attached hereto and incorporated herein by this reference, includes the Draft EIR SCH No. 2016091010 (ENV-2016-2906-EIR), dated July 28, 2022, the Draft EIR appendices, and the document titled "Final EIR" dated August 10, 2023, including all its related appendices and attachments.
  - (b) EIR Certification. The City Council certifies:
    - (1) the FEIR has been completed in compliance with CEQA
    - (2) the FEIR was presented to the City Council and that the City Council has reviewed and considered the information contained in the FEIR prior to approval of the Proposed Plan, and all of the information contained therein has substantially influenced all aspects of the decision by the City Council; and
    - (3) the FEIR reflects the City Council's independent judgement and analysis.
  - (c) Mitigation Monitoring. The Mitigation Monitoring Program (MMP) set forth in Exhibit 1 to this resolution, which is attached hereto and incorporated herein by this reference,

is adopted to ensure that all mitigation measures described in the MMP are fully implemented. The City Council finds all of the mitigation measures in the MMP are feasible.

- (d) CEQA Findings. The Council also adopts the findings in the EIR Findings set forth in Exhibit 2 to this Resolution, which are attached hereto and incorporated herein by this reference. In adopting the EIR Findings, the Council ratifies, adopts, and incorporates the analysis and explanation in the FEIR, and ratifies, adopts, and incorporates in these findings, the determinations and conclusions in the FEIR relating to environmental impacts, mitigation measures, and alternatives.
  - (e) Statement of Overriding Considerations. The City Council adopts the Statement of Overriding Considerations attached at Exhibit 2 to this Resolution, which is attached hereto and incorporated herein by reference. The City Council finds that each listed Proposed Project benefit identified in the Statement of Overriding Considerations provides a separate and independent ground for its approval of the Proposed Project and overrides all of the identified significant and unavoidable impacts of the Proposed Project.
  - (f) Location and Custodian of Documents. The record of approval of the Proposed Project shall be kept in the office of the City Clerk, City of Los Angeles, City Hall, 200 North Spring Street, Los Angeles, California 90012 which shall be held by the City Clerk as the custodian of the documents; all other record of proceedings shall be kept with the Department of City Planning and the Director of the Department of City Planning shall be the custodian of the documents.
  - (g) Notice of Determination. The Director of the Department of City Planning is directed to file a Notice of Determination as required by the Public Resources Code and CEQA Guidelines.
4. General Plan Amendments. The City Council approves the proposed General Plan text and map amendments found in Council File No. 23-0861, as recommended by the City Planning Commission on April 20, 2023 and adopted by the City Council on \_\_\_\_\_, to: (a) the Boyle Heights Community Plan (Land Use Element); (b) the Framework Element; and (c) the Mobility Plan 2035 (Circulation Element).
  5. Reversion to Prior Community Plan. Unless otherwise provided by action of the City Council, to the extent the Boyle Heights Community Plan Update is enjoined (in whole or in part, permanently or temporarily), or set aside by court order, the Boyle Heights Community Plan (as adopted in 1998) shall, by operation of law, be revived and continue in full force and effect, until such time as the injunction is dissolved, the court order is set aside, and/or until further action of the City Council.
  6. Operative Date. To ensure the City's zoning ordinances are in conformity with the general plan, Section 4 of this resolution shall be operative upon the adoption by the City Council of the following implementing ordinances found in Council File No. 23-0861 for the Boyle Heights Community Plan Update: Amendments to Chapter 1A, and zone changes to the City Zoning Map.

CPC-2016-2905-CPU

City Planning Commission Recommended Draft

Attachments:

- 1 – Exhibit 1 - Mitigation Monitoring Program
- 2 – Exhibit 2 - CEQA Findings of Fact and Statement of Overriding Considerations

CPC-2016-2905-CPU

City Planning Commission Recommended Draft

**Boyle Heights Community Plan Update**

**Final Environmental Impact Report**

SCH NO. 2016091010

LA CITY EIR NO. ENV-2016-2906-EIR

CASE NO. CPC-2016-2905-CPU

**Exhibit 1:** Mitigation Monitoring Program (MMP)

**Exhibit 2:** CEQA Findings of facts and Statement of Overriding Considerations

CPC-2016-2905-CPU

City Planning Commission Recommended Draft

**Exhibit 1: Mitigation Monitoring Program**

## 4.0 MITIGATION MONITORING PROGRAM

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### 4.1 INTRODUCTION

The Mitigation Monitoring Program (MMP) has been prepared in conformance with Section 21081.6 of the California Environmental Quality Act (CEQA). It is the intent of this program to: (1) verify satisfaction of the required mitigation measures of the EIR (EIR); (2) provide a methodology to document implementation of the required mitigation measures; (3) provide a record of the Monitoring Program; (4) identify monitoring responsibility; (5) establish administrative procedures for the clearance of mitigation measures; (6) establish the frequency and duration of monitoring; and (7) use existing review processes wherever feasible.

This MMP describes the procedures for the implementation of the mitigation measures adopted for the Proposed Plan. The MMP for the Proposed Plan will be in place through the planning horizon of the Plan (2040) or until the Plan and EIR are updated again, whichever is later. The City of Los Angeles Department of City Planning (DCP) staff and staff of other City Departments (e.g., Department of Building and Safety) shall be responsible for administering the MMP activities or delegating them to consultants, or contractors. The Monitoring or Enforcing Agencies identified herein, at their discretion, may require a project applicant or operator to pay for one or more independent environmental monitor(s) to be responsible for monitoring implementation of mitigation measures (e.g., City building inspector, project contractor, certified professionals, etc., depending on the requirements of the mitigation measures) required of project applicants or operators. Monitors would be hired by the City or by the applicant or operator at the City's discretion.

Each mitigation measure is identified in **Table 4.0-1, Mitigation Monitoring Program Matrix**, and is categorized by environmental topic and corresponding number with identification of:

- The Implementing Party or Agency – this is in most cases, the applicant for individual projects who will be required to implement most of the measures.
- The Enforcement and Monitoring Entity – this is the entity or entities that will monitor each measure and ensure that it is implemented in accordance with this MMP.
- Monitoring Phase and Monitoring Actions – this is the timeframe that monitoring would occur and the criteria that would determine when the measure has been accomplished and/or the monitoring actions to be undertaken to ensure the measure is implemented.

Many of the mitigation measures are implemented through the environmental protection measures/standards either through the New Zoning Code EPM Handbook process or through the Boyle Heights Community Plan Implementation Overlay (CPIO) District. Others may be implemented through the imposition of conditions of approval subject to the City's authority to condition the applicable entitlement for any subsequent environmental review pursuant to *State CEQA Guidelines* Sections 15162, 15163, 15164, or 15168, or tiered clearance to the Boyle Heights Community Update EIR, pursuant to the procedures in *State CEQA Guidelines* Section 15152 or streamlining CEQA Clearance as permitted in PRC Sections 21083, 21094.5, 21155-21155.2, 21155.4 or CEQA Guidelines Sections 15183 or 15183.3.

For mitigation measures implemented through the Boyle Heights CPIO or EPM Handbook shall do all of the following:

- Adopt environmental standards or protection measures to implement, and that are consistent with, the mitigation measures; and
- Require projects to substantially conform with all applicable environmental standards or environmental protection measures, subject to the discretion of the enforcing and monitoring agency; and
- Authorize any City implementing, monitoring or enforcing agency, to require the applicant to hire an outside consultant (which may or shall be subject to City approval) to monitor and certify compliance with the environmental standards or protection measures, or develop any other administrative procedures to ensure compliance with the environmental standards or protection measures, including but not limited to requiring the applicant to sign acknowledgement of environmental standards or protection measures and provide affidavit committing to comply with applicable environmental standard or protection measures, and maintain records for certain period of time and hold records available for City inspection to demonstrate compliance.

For the mitigation measures implemented through the CPIO or EPM Handbook may do the following:

- Provide for the modification or a deletion of an environmental standard or protection measure subject to the following: The development project shall be in substantial conformance with the environmental standard contained in CPIO. The Planning Director may determine substantial conformance with the environmental standard in his or her reasonable discretion. If the Planning Director cannot find substantial conformance, an environmental standard may be modified or deleted if the Planning Director, or the decision maker for a subsequent discretionary project related approval, complies with CEQA Guidelines, including sections 15162 and 15164, by preparing an addendum or subsequent environmental clearance to analyze the impacts from the modifications to or deletion of the

environmental standard. Any addendum or subsequent CEQA clearance shall explain why the mitigation measure is no longer needed, not feasible, or the other basis for modifying or deleting the project design feature or mitigation measure. Under this process, the modification or deletion of a mitigation measure shall not require a modification to any project discretionary approval unless the Planning Director or decisionmaker also finds that the change to the environmental standard requires a modification or other entitlement under the LAMC or other City ordinance or regulation.

Mitigation measures imposed as a condition of approval shall be imposed with a MMP that may include the following provisions:

- This MMP shall be enforced throughout all phases of development projects subject to the mitigation measures. The Applicant shall be responsible for implementing each mitigation measure and shall be obligated to provide certification, as identified below, to the appropriate monitoring agency and the appropriate enforcement agency that each project design feature and mitigation measure has been implemented. The Applicant shall maintain records demonstrating compliance with each project design feature and mitigation measure. Such records shall be made available to the City upon request. Further, specifically during the construction phase (including excavation, grading and demolition) and prior to the issuance of building permits, the Applicant shall retain an independent Construction Monitor (either via the City or through a third-party consultant), approved by DCP, who shall be responsible for monitoring implementation of mitigation measures during grading and construction activities consistent with the monitoring phase and frequency set forth in this MMP. The Construction Monitor shall also prepare documentation of the Applicant's compliance with the mitigation measures during grading and construction every 90 days. The documentation must be signed by the Applicant and Construction Monitor and be maintained by the Applicant. The Construction Monitor shall be obligated to immediately report to the Enforcement Agency/Entity any non-compliance with the mitigation measures within two business days if the Applicant does not correct the non-compliance within a reasonable time of notification to the Applicant by the monitor or if the non-compliance is repeated. Such non-compliance shall be appropriately addressed by the Enforcement Agency/Entity. Until five years after all mitigation measures are fully satisfied, the Applicant and Owner shall maintain all records of mitigation measure compliance (e.g., reports, studies, certifications, verifications, monitoring or mitigation plans) and make the records available for the City's inspection within three business days of the City requesting the records. All records related to grading and construction shall be maintained on the construction site during grading and construction and shall be immediately available for inspection by the City or by the Construction Monitor. The Applicant/Owner shall also sign a Statement of Compliance, in a form approved by the City, prior to issuance of any building permit, committing to compliance with all applicable mitigation measures.

All development projects shall be in substantial conformance with the mitigation measures contained in this MMP. The Enforcement Agency/Entity may determine substantial conformance with mitigation measures in the MMP in their reasonable discretion. If the Enforcement Agency/Entity cannot find substantial conformance, a mitigation measure may be modified or deleted if the Enforcement Agency/Entity, or the decision maker for a subsequent discretionary project related approval, complies with CEQA Guidelines, including sections 15162 and 15164, by preparing an addendum or subsequent environmental clearance to analyze the impacts from the modifications to or deletion of the mitigation measures. Any addendum or subsequent CEQA clearance shall explain why the mitigation measure is no longer needed, not feasible, or the other basis for modifying or deleting the project design feature or mitigation measure. Under this process, the modification or deletion of a mitigation measure shall not require a modification to any project discretionary approval unless the Director of Planning also finds that the change to the mitigation measures results in a substantial change to the Project or the non-environmental conditions of approval.

**Table 4.0-1  
Mitigation Monitoring Program Matrix**

Mitigation Measure	Monitoring Phase and Monitoring Actions <sup>1</sup>	Implementing Party	Enforcement and Monitoring Entity
<b>Impact – Air Quality</b>			
<p><b>MM AQ-1: Dust Control Compliance with SCAQMD Rule 403</b></p> <p>a. Applicability Threshold: Any project whose construction activities involve the use of construction equipment and require a permit from LADBS.</p> <p>b. Standard: Consistent with SCAQMD Rule 403, best available dust control measures shall be implemented during Ground Disturbance Activities and active construction operations capable of generating dust.</p>	<p>Prior to issuance of grading or building permits submittal of plans with measure on plans, collection of acknowledgement by owner and notice to contractors; subject to inspection by DBS; maintenance of records of compliance for at least five years after issuance of certificate of occupancy; enforcement of violations available through LAMC at City discretion.</p>	<p>Applicant for individual project</p>	<p>City of Los Angeles, Department of Building and Safety</p>
<p><b>MM AQ-2: Equipment Maintenance</b></p> <p>a. Applicability Threshold: Any project whose construction activities involve the use of construction equipment and require a permit from LADBS.</p> <p>b. Standard: Maintain construction equipment in good, properly tuned operating condition, as specified by the manufacturer, to minimize exhaust emissions. Documentation demonstrating that the equipment has been maintained in accordance with the manufacturer’s specifications shall be maintained per the proof of compliance requirements for a minimum of five years after the Certificate of Occupancy is issued.</p> <p>All construction equipment shall achieve emissions reductions that are no less than what could be achieved by a Tier 3 diesel emission control strategy for a similarly sized engine as defined by CARB regulations.</p>	<p>Prior to issuance of grading or building permits submittal of plans with measure on plans, collection of acknowledgement by owner and notice to contractors; subject to inspection by DBS; maintenance of records of compliance for at least five years after issuance of certificate of occupancy; enforcement of violations available through LAMC at City discretion.</p>	<p>Applicant for individual project</p>	<p>City of Los Angeles, Department of Building and Safety</p>
<p><b>MM AQ-3: Vehicle Idling Limit and Notification Signs</b></p> <p>a. Applicability Threshold: Any project whose construction activities involve the use of construction equipment and require a permit from LADBS.</p> <p>b. Standard: Vehicle idling during construction activities shall be limited to five minutes as set forth in the California Code of Regulations, Title 13, Section 2449. Signs shall be posted in areas where they will be seen by vehicle operators stating idling time limits.</p>	<p>Prior to issuance of grading or building permits submittal of plans with measure on plans, collection of acknowledgement by owner and notice to contractors; subject to inspection by DBS; maintenance of records of compliance for at least five years after issuance of certificate of occupancy; enforcement of violations available through LAMC at City discretion.</p>	<p>Applicant for individual project</p>	<p>City of Los Angeles, Department of Building and Safety</p>

Mitigation Measure	Monitoring Phase and Monitoring Actions <sup>1</sup>	Implementing Party	Enforcement and Monitoring Entity
<p><b>MM AQ-4: Non-Diesel Fueled Electrical Power</b></p> <p>a. Applicability Threshold: Any project whose construction activities involve the use of construction equipment and require a permit from LADBS.</p> <p>b. Standard: Electricity from power poles rather than temporary gasoline or diesel-powered generators shall be used To the Extent Available and Feasible.</p>	<p>Prior to issuance of grading or building permits submittal of plans with measure on plans, collection of acknowledgement by owner and notice to contractors; subject to inspection by DBS; maintenance of records of compliance for at least five years after issuance of certificate of occupancy; enforcement of violations available through LAMC at City discretion.</p>	<p>Applicant for individual project</p>	<p>City of Los Angeles, Department of Building and Safety</p>
<p><b>MM AQ-5: Emissions Standards for Off-Road Construction Equipment Greater than 50 Horsepower</b></p> <p>a. Applicability Threshold: Any project whose construction activities involve the use of construction equipment, require a permit from LADBS, and involve at least 5,000 cubic yards of on-site cut/fill on any given day.</p> <p>b. Standard: All off-road diesel-powered construction equipment equal to or greater than 50 horsepower shall meet the U.S. Environmental Protection Agency’s (U.S. EPA) Tier 4 emission standards during construction. Operators shall maintain records of all off-road equipment associated with Project construction to document that each piece of equipment used meets these emission standards per the proof of compliance requirement for a minimum of five years after the Certificate of Occupancy is issued.</p> <p>In lieu of compliance with the above requirement, an air quality study prepared in accordance with the SCAQMD’s Air Quality Handbook may be provided by the Applicant or Owner demonstrating that Project construction activities would not exceed the SCAQMD’s regional and localized construction thresholds.</p>	<p>Prior to issuance of grading or building permits submittal of plans with measure on plans, collection of acknowledgement by owner and notice to contractors; subject to inspection by DBS; maintenance of records of compliance for at least five years after issuance of certificate of occupancy; enforcement of violations available through LAMC at City discretion.</p>	<p>Applicant for individual project</p>	<p>City of Los Angeles, Department of Building and Safety</p>
<p><b>MM AQ-6: Use of Low Polluting Fuels</b></p> <p>a. Applicability Threshold: Any project whose construction activities involve the use of construction equipment, require a permit from LADBS, and involve at least 5,000 cubic yards of on-site cut/fill on any given day.</p> <p>b. Standard: Construction equipment less than 50 horsepower shall use low polluting fuels (i.e., compressed natural gas, liquid petroleum gas, and unleaded gasoline).</p> <p>In lieu of compliance with the above requirement, an air quality study prepared in accordance with the SCAQMD’s Air Quality Handbook may be provided by the Applicant or Owner demonstrating that Project construction activities would not exceed the SCAQMD’s regional and localized construction thresholds.</p>	<p>Prior to issuance of grading or building permits submittal of plans with measure on plans, collection of acknowledgement by owner and notice to contractors; subject to inspection by DBS; maintenance of records of compliance for at least five years after issuance of certificate of occupancy; enforcement of violations available through LAMC at City discretion.</p>	<p>Applicant for individual project</p>	<p>City of Los Angeles, Department of Building and Safety</p>

Mitigation Measure	Monitoring Phase and Monitoring Actions <sup>1</sup>	Implementing Party	Enforcement and Monitoring Entity
<p><b>MM AQ-7: Emission Standards for On-Road Haul Trucks</b></p> <p>a. Applicability Threshold: Any project whose construction activities involve the use of construction equipment, require a permit from LADBS, and involve more than 90 round-trip haul truck trips on any given day for demolition debris and import/export of soil.</p> <p>b. Standard: Construction haul truck operators for demolition debris and import/export of soil shall use trucks that meet the California Air Resources Board’s (CARB) 2010 engine emissions standards at 0.01 g/bhp-hr of particulate matter (PM) and 0.20 g/bhp-hr of nitrogen oxides (NOX) emissions. Operators shall maintain records of all trucks associated with Project construction to document that each truck used meets these emission standards per the proof of compliance requirements in Subsection I.D.6.</p> <p>In lieu of compliance with the above requirement, an air quality study prepared in accordance with the SCAQMD’s Air Quality Handbook may be provided by the Applicant or Owner demonstrating that Project construction activities would not exceed the SCAQMD’s regional and localized construction thresholds.</p>	<p>Prior to issuance of grading or building permits submittal of plans with measure on plans, collection of acknowledgement by owner and notice to contractors; subject to inspection by DBS; maintenance of records of compliance for at least five years after issuance of certificate of occupancy; enforcement of violations available through LAMC at City discretion.</p>	<p>Applicant for individual project</p>	<p>City of Los Angeles, Department of Building and Safety</p>
<p><b>MM AQ-8: Routes for On-Road Haul Trucks</b></p> <p>a. Applicability Threshold: Any project whose construction activities involve the use of construction equipment and require a permit from LADBS.</p> <p>b. Standard: Construction contractors shall reroute construction trucks away from congested streets or Sensitive Uses, as feasible. The burden of proving that compliance is infeasible shall be upon the Applicant or Owner. Where avoiding Sensitive Uses and congested streets altogether is infeasible, routing away from Sensitive Uses shall be prioritized over routing away from congested streets.</p>	<p>Prior to issuance of grading or building permits submittal of plans with measure on plans, collection of acknowledgement by owner and notice to contractors; subject to inspection by DBS; maintenance of records of compliance for at least five years after issuance of certificate of occupancy; enforcement of violations available through LAMC at City discretion.</p>	<p>Applicant for individual project</p>	<p>City of Los Angeles, Department of Building and Safety</p>
<p><b>MM AQ-9: Distribution Facility Health Risk Assessment</b></p> <p>a. Applicability Threshold: Applicants for distribution centers in the Boyle Heights Plan Area within 1,000 feet of sensitive uses that require discretionary permits and/or would accommodate more than 100 truck trips or 40 TRUs per day. shall</p> <p>b. Standard: Prepare health risk assessments (HRAs) in accordance with SCAQMD and OEHHA guidance to identify the potential for cancer and non-cancer health risks. If cancer risks exceeding SCAQMD standards are identified, the Applicant shall identify opportunities to reduce emissions and associated risks. Methods may include, but are not limited to, limiting the number of trucks/TRUs accessing the site on a daily basis, locating distribution center entry and exist points as far as possible from sensitive land uses, and routing truck traffic away from sensitive land uses.</p>	<p>Prior to issuance of grading or building permits submittal of plans with measure on plans, collection of acknowledgement by owner and notice to contractors; subject to inspection by DBS; maintenance of records of compliance for at least five years after issuance of certificate of occupancy; enforcement of violations available through LAMC at City discretion.</p>	<p>Applicant for individual project</p>	<p>City of Los Angeles, Department of Building and Safety</p>

Mitigation Measure	Monitoring Phase and Monitoring Actions <sup>1</sup>	Implementing Party	Enforcement and Monitoring Entity
<p><b>MM AQ-10 CERP Coordination with ELABHWC</b></p> <p>a. Applicability Threshold: Any discretionary project within an AB 617 neighborhood related to Actions identified in the CERP (any project generating more than 100 truck trips per day; railyards; metal processing; rendering facilities; autobody shops; projects greater than an acre within 500 feet of schools, childcare facilities, etc.; industrial facilities including waste transfer).</p> <p>b. Standard: Applicants to coordinate directly with SCAQMD to identify project design features and City to coordinate with SCAQMD to ensure that proposed projects do not conflict with the CERP for ELABHWC and identify mitigation measures as appropriate.</p>	<p>Prior to issuance of grading or building permits submittal of plans with measure on plans, collection of acknowledgement by owner and notice to contractors; subject to inspection by DBS; maintenance of records of compliance for at least five years after issuance of certificate of occupancy; enforcement of violations available through LAMC at City discretion.</p>	<p>Applicant for individual project</p>	<p>City of Los Angeles, Department of Building and Safety</p>
<b>Impact-Biological Resources</b>			
<p><b>MM BIO-1:</b> For all projects, if any active bird nest is found during a pre-construction nesting bird survey or is discovered inadvertently during earthwork or construction-related activities, a Qualified Biologist shall be retained by the Applicant or Owner to determine an appropriate avoidance buffer which shall be no less than is necessary to protect the nest, eggs and/or fledglings, from damage or disturbance in consideration of the following factors: the bird species, the availability of suitable habitat within the immediate area, the proposed work activity, and existing disturbances associated with surrounding land uses. The buffer shall be demarcated using bright orange construction fencing, flagging, construction lathe, or other means to mark the boundary of the buffer. All construction personnel shall be notified of the buffer zone and shall avoid entering the protected area. No Ground Disturbing Activities or vegetation removal shall occur within this buffer area until the Qualified Biologist has confirmed that breeding/nesting is complete and the young have fledged the nest and/or that the nest is no longer an Active Nest. The Qualified Biologist shall prepare a report prior to the issuance of any building permit detailing the results of the nesting bird survey and subsequent monitoring, which shall be maintained for a minimum of five years after the Certificate of Occupancy is issued.</p>	<p>Prior to issuance of grading or building permits submittal of plans with measure on plans, collection of acknowledgement by owner and notice to contractors; subject to inspection by DBS; maintenance of records of compliance for at least five years after issuance of certificate of occupancy; enforcement of violations available through LAMC at City discretion</p>	<p>Applicant for individual project</p>	<p>City of Los Angeles, Department of Building and Safety</p>
<p><b>MM BIO-2:</b> All project applicants for grading, excavation, or building permits will be notified of and shall include on their plans an acknowledgement of the requirement to comply with the federal MBTA and CFGC to not destroy active bird nests and of best practices recommended by qualified biologist to avoid impacts to active nests, including checking for nests prior to construction activities during February 1-August 31 and what to do if an active nest is found during grading or construction activities, including the need to comply with the measures in MM BIO-1.</p>	<p>Prior to issuance of grading or building permits submittal of plans with measure on plans, collection of acknowledgement by owner and notice to contractors; subject to inspection by DBS; maintenance of records of compliance for at least five years after issuance of certificate of occupancy; enforcement of violations available through LAMC at City discretion</p>	<p>Applicant for individual project</p>	<p>City of Los Angeles, Department of Building and Safety</p>

Mitigation Measure	Monitoring Phase and Monitoring Actions <sup>1</sup>	Implementing Party	Enforcement and Monitoring Entity
<b>Impact – Cultural Resources</b>			
<p><b>MM CR-1:</b> For any project that requires a permit for grading or excavation; if a possible archaeological resource is uncovered during earthwork or construction, all work shall cease within a minimum distance of 50 feet from the find until a Qualified Archaeologist has been retained to evaluate the find in accordance with National Register of Historic Places and California Register of Historical Resources criteria. The Qualified Archaeologist may adjust this avoidance area, ensuring appropriate temporary protection measures of the find are taken while also considering ongoing construction needs in the surrounding area. Temporary staking and delineation of the avoidance area shall be installed around the find in order to avoid any disturbance from construction equipment. Ground Disturbance Activities may continue unimpeded on other portions of the site outside the specified radius.</p> <p>Any potential archaeological resource or associated materials that are uncovered shall not be moved or collected by anyone other than an Archaeological Monitor or Qualified Archaeologist unless the materials have been determined to be non-unique archaeological resources, as defined in Public Resources Code Section 21083.1(h), by the Qualified Archaeologist. The Qualified Archaeologist shall determine if the resources are unique archeological resources as defined in Public Resources Code Section 21083.2(g).</p> <p>Consistent with Public Resources Code Section 21083.2, the handling, treatment, preservation, and recordation of unique archaeological resources should occur as follows:</p> <ul style="list-style-type: none"> <li>• The find should be preserved in place or left in an undisturbed state unless the Project would damage the resource.</li> <li>• When preserving in place or leaving in an undisturbed state is not possible, excavation and recovery of the find for scientific study should occur unless testing or studies already completed have adequately recovered the scientifically consequential information from and about the resource, and this determination is documented by a Qualified Archaeologist.</li> </ul> <p>Ground Disturbance Activities in the area where resource(s) were found may recommence once the identified resources are properly assessed and processed by a Qualified Archaeologist. A report that describes the resource(s) and its disposition, as well as the assessment methodology, shall be prepared by the Qualified Archaeologist according to current professional standards and maintained for a minimum of five years after the Certificate of Occupancy is issued. If appropriate, the report should also contain the Qualified Archaeologist’s recommendations for the preservation, conservation, and curation of the resource at a suitable repository, such as the Natural History</p>	<p>Prior to issuance of grading or building permits submittal of plans with measure on plans, collection of acknowledgement by owner and notice to contractors; subject to inspection by DBS; maintenance of records of compliance for at least five years after issuance of certificate of occupancy; enforcement of violations available through LAMC at City discretion</p>	<p>Applicant for individual project</p>	<p>City of Los Angeles, Department of Building and Safety</p>

Mitigation Measure	Monitoring Phase and Monitoring Actions <sup>1</sup>	Implementing Party	Enforcement and Monitoring Entity
<p>Museum of Los Angeles County, with which the Applicant or Owner must comply.</p>			
<p><b>MM CR-2:</b> Prior to issuance of a permit for grading or excavation all project applicants will receive notice and acknowledge receipt of the following notice:</p> <ul style="list-style-type: none"> <li>Several laws regulate the treatment of archaeological, paleontological, and tribal cultural resources and make it a criminal violation to destroy those resources. These regulations include, but are not limited to:</li> <li>California Penal Code Section 622.5 provides the following: “Every person, not the owner thereof, who willfully injures, disfigures, defaces, or destroys any object or thing of archeological or historical interest or value, whether situated on private lands or within any public park or place, is guilty of a misdemeanor.”</li> <li>Public Resources Code Section 5097.5(a) states: “A person shall not knowingly and willfully excavate upon, or remove, destroy, injure, or deface, any historic or prehistoric ruins, burial grounds, archaeological or vertebrate paleontological site, including fossilized footprints, inscriptions made by human agency, rock art, or any other archaeological, paleontological or historical feature, situated on public lands, except with the express permission of the public agency having jurisdiction over the lands.”</li> <li>California Code of Regulations, Title 14, Section 4307 states: “No person shall remove, injure, deface or destroy any object of paleontological, archaeological, or historical interest or value.” Section 1427 “recognizes that California’s archaeological resources are endangered by urban development and population growth and by natural forces...Every person, not the owner thereof, who willfully injures, disfigures, defaces, or destroys any object or thing of archaeological or historical interest or value, whether situated on private lands or within any public park of place, is guilty of a misdemeanor. It is a misdemeanor to alter any archaeological evidence found in any cave, or to remove any materials from a cave.</li> </ul> <p>The following best practices are recognized by archaeologists and environmental consultants to ensure archaeological resources are not damaged during grading, excavation, or other Ground Disturbance Activities:</p> <ul style="list-style-type: none"> <li>Records Search. A cultural resources records search should be requested from and conducted by the California Historical Resources Information System’s (CHRIS) South Central Coastal Information Center (SCCIC) located at California State University, Fullerton to determine whether any cultural resources have been previously identified on or within a 0.5-mile radius of the Project site. The results of this records search shall be used as an indicator of the archaeological sensitivity of the Project site.</li> </ul>	<p>Prior to issuance of excavation or grading permits: verify receipt of acknowledgement from applicant.</p>	<p>Applicant for individual project</p>	<p>City of Los Angeles, Department of City Planning</p> <p>City of Los Angeles, Department of Building and Safety</p>

Mitigation Measure	Monitoring Phase and Monitoring Actions <sup>1</sup>	Implementing Party	Enforcement and Monitoring Entity
<ul style="list-style-type: none"> <li>• A Qualified Archaeologist shall be retained and use all reasonable methods, consistent with professional standards and best practices, to determine the potential for archaeological resources to be present on the Project site.</li> <li>• If the Qualified Archaeologist determines there is a medium to high potential that archaeological resources may be located on the Project site and it is possible that such resources will be impacted by the Project, the Qualified Archaeologist shall advise the Applicant and Owner to retain an Archaeological Monitor to observe all Ground Disturbance Activities within those areas identified as having a medium to high potential in order to identify any resources and avoid potential impacts to such resources.</li> <li>• Monitoring. An Archaeological Monitor should monitor excavation and grading activities in soils that have not been previously disturbed in order to identify and record any potential archaeological finds and avoid potential impacts to such resources. In the event of a possible archaeological discovery, the Archaeological Monitor shall notify a Qualified Archaeologist. The Archaeological Monitor has the authority to temporarily halt earthwork activities.</li> <li>• Handling, Evaluation, and Preservation. Any archaeological resource materials or associated materials that are uncovered shall not be moved or collected by anyone other than an Archaeological Monitor or Qualified Archaeologist unless they have been determined to be nonunique archaeological resources, as defined in Public Resources Code Section 21083.1(h) by a Qualified Archaeologist. A Qualified Archaeologist shall determine if the resources are unique archeological resources as defined in Public Resources Code Section 21083.2(g).</li> <li>• Consistent with Public Resources Code Section 21083.2, the handling, treatment, preservation, and recordation of unique archaeological resources should occur as follows:             <ul style="list-style-type: none"> <li>– The find should be preserved in place or left in an undisturbed state unless the Project would damage the resource.</li> <li>– When preserving in place or leaving in an undisturbed state is not possible, excavation and recovery of the find for scientific study should occur unless testing or studies already completed have adequately recovered the scientifically consequential information from and about the resource, and this determination is documented by a Qualified Archaeologist.</li> <li>– If recommended by the Qualified Archaeologist, the resource(s) shall be curated by a public, non-profit institution with a research interest in the material, such as the Natural History Museum of Los Angeles</li> </ul> </li> </ul>			

Mitigation Measure	Monitoring Phase and Monitoring Actions <sup>1</sup>	Implementing Party	Enforcement and Monitoring Entity
<p>County or another appropriate curatorial facility for educational purposes.</p> <ul style="list-style-type: none"> <li>Ground Disturbance Activities in the area where resource(s) were found may recommence once the identified resources are properly assessed and processed by a Qualified Archaeologist.</li> </ul>			
<p><b>MM CR-3:</b> Projects within 500 feet of the currently mapped known segments of the Zanja system have increased likelihood of encountering segments of the Zanja system during construction. If possible, segments of the Zanja system are uncovered during earthwork or construction, all work shall cease within a minimum distance of 50 feet from the find until a Qualified Archaeologist has been retained to inspect and evaluate the find. The Qualified Archaeologist may adjust this avoidance area, ensuring appropriate temporary protection measures of the find are taken while also considering ongoing construction needs in the surrounding area. Temporary staking and delineation of the avoidance area shall be installed around the find in order to avoid any disturbance from construction equipment. Ground Disturbance Activities may continue unimpeded on other portions of the site outside the specified radius.</p> <p>At a minimum, and even if avoided, should the find be determined to be related to the Zanja system, the Qualified Archaeologist shall prepare a memo and complete all relevant State of California Department of Parks and Recreation (DPR) DPR 523 forms documenting the find.</p> <p>If the Qualified Archaeologist, having evaluated the find, determines that the find retains integrity, documentation consistent with the standards and guidelines established the Historic American Engineering Record (HAER) shall be undertaken and transmitted to the Library of Congress before any alteration, demolition, construction, or removal activity may occur within the determined avoidance area. Documentation shall include narrative records, measured drawings, and photographs in conformance with HAER Guidelines. The found segments shall also be mapped using Geographic Information Systems (GIS) or 3D mapping technology in order to contribute to the existing record of the location and extent of the Zanja system as a whole. At minimum, GIS data shall include the geographic coordinates and depth of all portions of the find. All records, including geographic data, georeferenced photographs, and information about the depth of the find shall be submitted to City Planning. Report documentation and GIS files shall additionally be provided to the South Central Coastal Information Center (SCCIC) located at California State University, Fullerton.</p> <p>In addition to HAER documentation, if determined appropriate by the Qualified Archaeologist, one or more of the following specific treatments shall be developed and implemented based on potential California Register eligibility criteria or the significance of the find as a unique archaeological resource:</p>	<p>During grading/construction: field as needed, verify that field verify that work is halted to assess possible archaeological resources and avoidance buffers are demarcated and enforced. Once find has been determined to be related to the Zanja system: review and approve the memo and all relevant DPR 523 forms documenting the find. Once find has been determined to retain integrity: review and approve the documentation that is consistent with HAER standards and guidelines. Submit documentation to the Library of Congress, SCCIC, and DCP prior to any alteration, demolition, construction, or removal activity within the avoidance area. Verify that appropriate treatments determined by the archaeologist for the find are implemented.</p>	<p>Applicant for individual project</p>	<p>City of Los Angeles, Department of Building and Safety</p> <p>City of Los Angeles, Department of City Planning’s Office of Historic Resources</p>

Mitigation Measure	Monitoring Phase and Monitoring Actions <sup>1</sup>	Implementing Party	Enforcement and Monitoring Entity
<ul style="list-style-type: none"> <li>Treatment Under Criterion 1: Treatment shall include interpretation of the Zanja Madre System for the public. The interpretive materials may include, but are not limited to, interpretive displays of photographs and drawings produced during the HAER documentation, signage at the Zanja Madre alignment, relocating preserved segments in a publicly accessible display, or other visual representations of Zanja alignments through appropriate means such as a dedicated internet website other online-based materials. At a minimum, the interpretive materials shall include photographs and drawings produced during the HAER documentation, and signage. These interpretive materials shall be employed as part of Project public outreach efforts that may include various forms of public exhibition and historic image reproduction. Additionally, the results of the historical and archaeological studies conducted for the Project shall be made available to the public through repositories such as the local main library branch or with identified non-profit historic groups interested in the subject matter. The interpretive materials shall be prepared at the expense of the Project applicant, by professionals meeting the Secretary of the Interior standards in history or historical archaeology. The development of the interpretive materials shall consider any such materials already available to the public so that the development of new materials would add to the existing body of work on the historical Los Angeles water system, and to this end, shall be coordinated, to the extent feasible and to the satisfaction of the Department of City Planning, in consultation with the Office of Historic Resources. The interpretive materials shall include a consideration of the Zanja Madre segment located on the Project Site in relation to the entire Zanja system. The details of the interpretive materials, including the content and format, and the timing of their preparation, shall be completed to the satisfaction and subject to the approval of the Department of City Planning, in consultation with the Office of Historic Resources.</li> <li>Treatment Under Criterion 2: No additional work; archival research about important persons directly associated with the construction and use of Zanja Madre would be addressed as part of HAER documentation.</li> <li>Treatment Under Criterion 3: No additional work; HAER documentation is sufficient.</li> <li>Treatment Under Criterion 4: No additional work; archaeological data recovery and HAER documentation are sufficient.</li> <li>Treatment as a unique archaeological resource, as defined by PRC Section 21083.2(g): Same as Criterion 1 treatment.</li> </ul>			

Mitigation Measure	Monitoring Phase and Monitoring Actions <sup>1</sup>	Implementing Party	Enforcement and Monitoring Entity
<b>Geology and Soils</b>			
<p><b>MM GEO-1: Paleontological Resources.</b> For all discretionary projects that are excavating earth for two or more subterranean levels within previously undisturbed land or below previously excavated depths within native soils, a determination shall be made using all reasonable methods to determine the potential that paleontological resources are present on the project site, including through searches of databases and records, and surveys. If there is a medium to high potential that paleontological resources are located on the project site and it is possible that these resources will be impacted, monitoring will be conducted for all excavation, grading or other ground disturbance activities to identify any resources and avoid potential impacts to such resources as follows:</p> <ul style="list-style-type: none"> <li> <b>Paleontological Worker Environmental Awareness Program (WEAP).</b> Prior to the start of construction, the paleontological monitor shall conduct training for construction personnel regarding the appearance of fossils and the procedures for notifying paleontological staff should fossils be discovered by construction staff. In the event of a fossil discovery by construction personnel, all work in the immediate vicinity of the find shall cease and a qualified paleontologist shall be contacted to evaluate the find before restarting work in the area. If it is determined that the fossil(s) is(are) scientifically significant, the paleontological monitor shall complete the next two steps.         </li> <li> <b>Fossil Salvage.</b> The Qualified Paleontologist or designated paleontological monitor shall recover intact fossils. Typically, fossils can be safely salvaged quickly by a single paleontologist and not disrupt construction activity. In some cases, larger fossils (such as complete skeletons or large mammal fossils) require more extensive excavation and longer salvage periods. In this case the paleontologist shall have the authority to temporarily direct, divert or halt construction activity to ensure that the fossil(s) can be removed in a safe and timely manner. Any fossils shall be handled and deposited consistent with a mitigation plan prepared by the paleontological monitor.         </li> <li> <b>Paleontological Resource Construction Monitoring.</b> Additional ground disturbing construction activities (including grading, trenching, foundation work and other excavations) in undisturbed sediments, below five feet, with high paleontological sensitivity shall be monitored on a full-time basis by a Qualified Paleontologist or designated paleontological monitor during initial ground disturbance. If the paleontological monitor determines that full-time monitoring is no longer warranted, he or she may recommend that monitoring be reduced to periodic spot-checking or cease entirely. Monitoring shall be reinstated if any new or unforeseen deeper ground disturbances are required.         </li> </ul>	<p>Prior to project approval: verify that the applicant has conducted surveys and searches of databases and records and as needed, identified methods to avoid impacts to significant paleontological resources; measures on plans.</p>	<p>Applicant for individual project</p>	<p>City of Los Angeles, Department of City Planning  City of Los Angeles, Department of Building and Safety</p>

Mitigation Measure	Monitoring Phase and Monitoring Actions <sup>1</sup>	Implementing Party	Enforcement and Monitoring Entity
<p><b>MM GEO-2: Treatment of Paleontological Resources.</b> If a probable paleontological resource is uncovered during earthwork or construction, all work shall cease within a minimum distance of 50 feet from the find until a Qualified Paleontologist has been retained to evaluate the find in accordance with the Society of Vertebrate Paleontology’s Standard Procedures for the Assessment and Mitigation of Adverse Impacts to Paleontological Resources. Temporary flagging shall be installed around the find in order to avoid any disturbance from construction equipment. Any paleontological materials that are uncovered shall not be moved or collected by anyone other than a Qualified Paleontologist or his/her designated representative such as a Paleontological Monitor. If cleared by the Qualified Paleontologist, Ground Disturbance Activities may continue unimpeded on other portions of the site. The found deposit(s) shall be treated in accordance with the Society of Vertebrate Paleontology’s Standard Procedures. Ground Disturbance Activities in the area where resource(s) were found may recommence once the identified resources are properly assessed and processed by Qualified Paleontologist. A report that describes the resource and its disposition, as well as the assessment methodology, shall be prepared by the Qualified Paleontologist according to current professional standards and maintained pursuant to the proof of compliance requirements in Subsection I.D.6. If appropriate, the report should also contain the Qualified Paleontologist’s recommendations for the preservation, conservation, and curation of the resource at a suitable repository, such as the Natural History Museum of Los Angeles County, with which the Applicant or Owner must comply.</p>	<p>Prior to issuance of grading or building permits submittal of plans with measure on plans, collection of acknowledgement by owner and notice to contractors; subject to inspection by DBS; maintenance of records of compliance for at least five years after issuance of certificate of occupancy; enforcement of violations available through LAMC at City discretion. If resources found and have been properly assessed and processed: review and approve the report that documents assessment, processing of resources, and recommending actions.</p>	<p>Applicant for individual project</p>	<p>City of Los Angeles, Department of Building and Safety</p>
<p><b>MM GEO-3: Notification of Intent to Excavate Language.</b> For all projects not subject to MM-GEO-1 that are seeking excavation or grading permits, the Department of Building and Safety shall issue the following notice and obtain an acknowledgement of receipt of the notice from applicants:</p> <ul style="list-style-type: none"> <li>California Penal Code Section 622.5 provides the following: “Every person, not the owner thereof, who willfully injures, disfigures, defaces, or destroys any object or thing of archeological or historical interest or value, whether situated on private lands or within any public park or place, is guilty of a misdemeanor.”</li> <li>PRC Section 5097.5 provides protection for cultural and paleontological resources, where Section 5097.5(a) states, in part, that: “No person shall knowingly and willfully excavate upon, or remove, destroy, injure, or deface, any historic or prehistoric ruins, burial grounds, archaeological or vertebrate paleontological site, including fossilized footprints, inscriptions made by human agency, rock art, or any other archaeological, paleontological or historical feature, situated on public lands, except with</li> </ul>	<p>Prior to issuance of excavation or grading permits: verify receipt of acknowledgement from applicant.</p>	<p>Applicant for individual project, and DBS</p>	<p>City of Los Angeles, Department of Building and Safety</p>

Mitigation Measure	Monitoring Phase and Monitoring Actions <sup>1</sup>	Implementing Party	Enforcement and Monitoring Entity
<p>the express permission of the public agency having jurisdiction over the lands.”</p> <ul style="list-style-type: none"> <li>California Code of Regulations, Title 14, Section 4307 states that “no person shall remove, injure, deface or destroy any object of paleontological, archaeological, or historical interest or value.” Section 1427 “recognizes that California’s archaeological resources are endangered by urban development and population growth and by natural forces...every person, not the owner thereof, who willfully injures, disfigures, defaces, or destroys any object or thing of archaeological or historical interest or value, whether situated on private lands or within any public park of place, is guilty of a misdemeanor. It is a misdemeanor to alter any archaeological evidence found in any cave, or to remove any materials from a cave.” Best practices to ensure unique geological and paleontological resources are not damaged include compliance with MM GEO-2.</li> </ul>			
<b>Hazards and Hazardous Material</b>			
<p><b>MM HAZ-1:</b> Any project that requires a grading, excavation, or building permit from LADBS and which is:</p> <ul style="list-style-type: none"> <li>Located on or within 500 feet of a Hazardous Materials site listed in any of the following databases: <ul style="list-style-type: none"> <li>State Water Resources Control Board GeoTracker (refer to <a href="https://geotracker.waterboards.ca.gov">https://geotracker.waterboards.ca.gov</a>);</li> <li>DTSC EnviroStor (refer to <a href="https://www.envirostor.dtsc.ca.gov/public">https://www.envirostor.dtsc.ca.gov/public</a>);</li> <li>DTSC Hazardous Waste Tracking System (refer to <a href="https://hwts.dtsc.ca.gov">https://hwts.dtsc.ca.gov</a>);</li> <li>LAFD Certified Unified Program Agency (refer to the active, inactive, and historical inventory lists at <a href="https://www.lafd.org/fire-prevention/cupa/public-records">https://www.lafd.org/fire-prevention/cupa/public-records</a>);</li> <li>Los Angeles County Fire Department Health Hazardous Materials Division (refer to the active and inactive facilities, site mitigation, and California Accidental Release Prevention inventory lists at <a href="https://fire.lacounty.gov/public-records-requests">https://fire.lacounty.gov/public-records-requests</a>);</li> <li>SCAQMD Facility Information Detail (refer to <a href="https://xappprod.aqmd.gov/find">https://xappprod.aqmd.gov/find</a>); or</li> </ul> </li> <li>Located on or within 500 feet of a Hazardous Materials site designated as a Resource Conservation and Recovery Act (RCRA) Small Quantity</li> </ul>	<p>Prior to issuance of grading or building permits submittal of plans with measure on plans, collection of acknowledgement by owner and notice to contractors; subject to inspection by DBS; maintenance of records of compliance for at least five years after issuance of certificate of occupancy; enforcement of violations available through LAMC at City discretion. Prior to issuance of grading, excavation, or building permits: review and approve the Phase I Environmental Site Assessment (ESA). If no recognized environmental conditions (REC) are identified, no further documentation is required. If the Phase I ESA identifies a REC and/or if recommended in the Phase I ESA, review and approve a Phase II ESA. If the Phase II ESA indicates the need for remediation, review and approve a remediation plan. If oversight or approval from a regulatory agency is required, verify agency sign off on remediation plan and that a No Further Action letter has been issued.</p>	<p>Applicant for individual project</p>	<p>City of Los Angeles, Department of Building and Safety  City of Los Angeles Fire Department  Other enforcement agencies as applicable: California State Water Resources Control Board; State Department of Toxic Substances Control; Los Angeles County Fire Department</p>

<p>Generator or Large Quantity Generator (refer to the USEPA Envirofacts database at <a href="https://enviro.epa.gov/index.html">https://enviro.epa.gov/index.html</a>); or</p> <ul style="list-style-type: none"> <li>• Located in an Oil Drilling District (O) or located on or within 50 feet of a property identified as having an oil well or an oil field (active or inactive) by the California Geologic Energy Management Division (refer to <a href="https://www.conservation.ca.gov/calgem/Pages/WellFinder.aspx">https://www.conservation.ca.gov/calgem/Pages/WellFinder.aspx</a>); or</li> <li>• Located on land currently or previously designated with an industrial use class or industrial zoning, in whole or in part; or</li> <li>• Located on land currently or previously used for a gas station or dry cleaning facility.</li> </ul> <p>Or:</p> <ul style="list-style-type: none"> <li>• The Applicant or Owner are aware or have reason to be aware that the Project site was previously used for an industrial use, gas station or dry cleaner.</li> </ul> <p>And:</p> <ul style="list-style-type: none"> <li>• The site has not been previously remediated to the satisfaction of the relevant regulatory agency/agencies for any contamination associated with the above uses or site conditions.</li> </ul> <p>Then a Phase I Environmental Site Assessment shall be prepared by a Qualified Environmental Professional in accordance with State standards/guidelines and current professional standards, including the American Society for Testing and Materials’ (ASTM) Standard Practice for Environmental Site Assessments, to evaluate whether the site, or the surrounding area, is contaminated with hazardous substances from any past or current land uses, including contamination related to the storage, transport, generation, or disposal of toxic or Hazardous Waste or materials.</p> <p>If the Phase I identifies a Recognized Environmental Condition (REC) and/or if recommended in the Phase I, a Phase II Environmental Site Assessment shall also be prepared by a Qualified Environmental Professional. The Phase I and/or Phase II Environmental Site Assessment(s) shall be maintained pursuant to appropriate proof of compliance for a minimum of five years after the Certificate of Occupancy is issued and made available for review and inclusion in the case file by the appropriate regulatory agency, such as the State Water Resources Control Board, the State Department of Toxic Substances Control, or the LAFD Hazard Mitigation Program. Any remediation plan recommended in the Phase II Environmental Site Assessment or by the appropriate regulatory agency shall be implemented and, if required, a No Further Action letter shall be issued by the appropriate regulatory agency prior to issuance of any permit from LADBS, unless the regulating agency determines that remedial action can be implemented in conjunction with excavation and/or grading. If oversight or approval by a regulatory agency is not required, the Qualified Environmental Professional shall provide written verification of compliance with and completion of the remediation plan, such that the site meets the applicable</p>			
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Mitigation Measure	Monitoring Phase and Monitoring Actions <sup>1</sup>	Implementing Party	Enforcement and Monitoring Entity
standards for the proposed use, which shall be maintained pursuant to appropriate proof of compliance requirements.			
<p><b>MM HAZ-2:</b> For discretionary projects that do not meet the criteria in <b>MM HAZ-1</b> and are not within the Exide PIA, and involve any ground and/or soil disturbance, soil samples shall be collected and tested to determine the presence of lead or arsenic and the extent of contamination, if any. Any remediation plan recommended by the appropriate regulatory agency shall be implemented and, if required, a No Further Action letter shall be issued by the appropriate regulatory agency prior to issuance of any permit from LADBS, unless the regulating agency determines that remedial action can be implemented in conjunction with excavation and/or grading. If oversight or approval by a regulatory agency is not required, a Qualified Environmental Professional shall provide written verification of compliance with and completion of the remediation plan, such that the site meets the applicable standards for the proposed use, which shall be maintained pursuant to appropriate proof of compliance requirements.</p>	<p>Prior to issuance of grading or building permits submittal of plans with measure on plans, collection of acknowledgement by owner and notice to contractors; subject to inspection by DBS; maintenance of records of compliance for at least five years after issuance of certificate of occupancy; enforcement of violations available through LAMC at City discretion. Prior to issuance of grading, excavation, or building permits: review and approve the soil samples submitted documenting levels of lead and arsenic on site. If no recognized elevated levels are identified, no further documentation is required. If the soil sample results indicate the need for remediation, review and approve a remediation plan. If oversight or approval from a regulatory agency is required, verify agency sign off on remediation plan and that a No Further Action letter has been issued.</p>	<p>Applicant for individual project</p>	<p>Department of Building and Safety City of Los Angeles Fire Department Other enforcement agencies as applicable: State Department of Toxic Substances Control; Los Angeles County Fire Department</p>
<p><b>MM HAZ-3:</b> Any project that requires a grading, excavation, or building permit from LADBS and which suspected Hazardous Materials, contamination, debris, or other features or materials that could present a threat to human health or the environment are discovered during earthwork or construction, such activities shall cease immediately until the affected area is evaluated by a Qualified Environmental Professional. If the Qualified Environmental Professional determines that a hazard exists, a remediation plan shall be developed by the Qualified Environmental Professional in consultation with the appropriate regulatory agency, and the remediation identified shall be completed. Work shall not resume in the affected area until appropriate actions have been implemented in accordance with the remediation plan, to the satisfaction of the regulatory agency.</p> <p>A report that describes the Hazardous Materials, contamination or debris and its disposition, shall be prepared by the Qualified Environmental Professional, according to current professional standards and maintained pursuant to appropriate proof of compliance requirements.</p>	<p>Prior to issuance of grading or building permits submittal of plans with measure on plans, collection of acknowledgement by owner and notice to contractors; maintenance of records of compliance for at least five years after issuance of certificate of occupancy; enforcement of violations available through LAMC at City discretion. If materials found and have been properly evaluated: review and approve the remediation plan and verify that the appropriate regulatory agency/agencies have approved the plan. Verify receipt of any needed agency sign off on remediation plan.</p>	<p>Applicant for individual project</p>	<p>Department of Building and Safety City of Los Angeles Fire Department Other enforcement agencies as applicable: California State Water Resources Control Board; State Department of Toxic Substances Control; Los Angeles County Fire Department</p>

Mitigation Measure	Monitoring Phase and Monitoring Actions <sup>1</sup>	Implementing Party	Enforcement and Monitoring Entity
<b>Impact - Noise</b>			
<p><b>MM NOI-1:</b> The following is required for any project whose earthwork or construction activities involve the use of construction equipment and require a permit from LADBS. Power construction equipment (including combustion engines), fixed or mobile, shall be equipped with noise shielding and muffling devices consistent with manufacturers’ standards or the Best Available Control Technology. All equipment shall be properly maintained, and the applicant or owner shall require any construction contractor to keep documentation on-site during any earthwork or construction activities demonstrating that the equipment has been maintained in accordance with manufacturer’s specifications.</p>	<p>Prior to issuance of grading or building permits submittal of plans with measure on plans, collection of acknowledgement by owner and notice to contractors; subject to inspection by DBS; maintenance of records of compliance for at least five years after issuance of certificate of occupancy; enforcement of violations available through LAMC at City discretion</p>	<p>Applicant for individual project</p>	<p>City of Los Angeles, Department of Building and Safety</p>
<p><b>MM NOI-2:</b> The following is required for any project whose earthwork and construction activities involve the use of construction equipment and require a permit from LADBS. Driven (impact) pile systems shall not be used, except in locations where the underlying geology renders drilled piles, sonic, or vibratory pile drivers infeasible, as determined by a soils or geotechnical engineer and documented in a soils report.</p>	<p>Prior to issuance of grading or building permits submittal of plans with measure on plans, collection of acknowledgement by owner and notice to contractors; subject to inspection by DBS; maintenance of records of compliance for at least five years after issuance of certificate of occupancy; enforcement of violations available through LAMC at City discretion.</p>	<p>Applicant for individual project</p>	<p>City of Los Angeles, Department of Building and Safety</p>
<p><b>MM NOI-3:</b> The following is required for any project whose earthwork or construction activities involve the use of construction equipment and require a permit from LADBS. All outdoor mechanical equipment (e.g., generators, compressors) shall be enclosed or visually screened. The equipment enclosure or screen shall be impermeable (i.e., solid material with minimum weight of 2 pounds per square feet) and break the line of sight between the equipment and any off-site Noise-Sensitive Uses.</p>	<p>Prior to issuance of grading or building permits submittal of plans with measure on plans, collection of acknowledgement by owner and notice to contractors; subject to inspection by DBS; maintenance of records of compliance for at least five years after issuance of certificate of occupancy; enforcement of violations available through LAMC at City discretion.</p>	<p>Applicant for individual project</p>	<p>City of Los Angeles, Department of Building and Safety</p>
<p><b>MM NOI-4:</b> The following is required for any project whose earthwork or construction activities involve the use of construction equipment and require a permit from LADBS. Construction staging areas shall be located as far from Noise-Sensitive Uses as reasonably possible and technically feasible in consideration of site boundaries, topography, intervening roads and uses, and operational constraints. The burden of proving what constitutes 'as far as possible' shall be upon the Applicant or Owner, in consideration of the above factors.</p>	<p>Prior to issuance of grading or building permits submittal of plans with measure on plans, collection of acknowledgement by owner and notice to contractors; subject to inspection by DBS; maintenance of records of compliance for at least five years after issuance of certificate of occupancy; enforcement of violations available through LAMC at City discretion.</p>	<p>Applicant for individual project</p>	<p>City of Los Angeles, Department of Building and Safety</p>
<p><b>MM NOI-5:</b> The following is required for any project whose earthwork and construction activities involve the use of construction equipment and require a permit from LADBS; and whose construction activities are located within a line</p>	<p>Prior to issuance of grading or building permits submittal of plans with measure on plans, collection of acknowledgement by</p>	<p>Applicant for individual project</p>	<p>City of Los Angeles, Department of Building and Safety</p>

Mitigation Measure	Monitoring Phase and Monitoring Actions <sup>1</sup>	Implementing Party	Enforcement and Monitoring Entity
<p>of sight to and within 500 feet of Noise-Sensitive Uses, with the exception of projects limited to the construction of 2,000 square feet or less of floor area dedicated to residential uses. Noise barriers, such as temporary walls (minimum ½-inch thick plywood) or sound blankets (minimum STC 25 rating), that are a minimum of eight feet tall, shall be erected between construction activities and Noise-Sensitive Uses as reasonably possible and technically feasible in consideration of site boundaries, topography, intervening roads and uses, and operational constraints. The burden of proving that compliance is technically infeasible shall be upon the applicant or owner. Technical infeasibility shall mean that noise barriers cannot be located between construction activities and Noise-Sensitive Uses due to site boundaries, topography, intervening roads and uses, and/or operational constraints.</p>	<p>owner and notice to contractors; subject to inspection by DBS; maintenance of records of compliance for at least five years after issuance of certificate of occupancy; enforcement of violations available through LAMC at City discretion.</p>		
<p><b>MM NOI-6:</b> The following is required for any project whose earthwork or construction activities involve the use of construction equipment and require a permit from LADBS; are located within 500 feet of Noise-Sensitive Uses; and have one or more of the following characteristics:</p> <ul style="list-style-type: none"> <li>• Two or more subterranean levels</li> <li>• 20,000 cubic yards or more of excavated material;</li> <li>• Simultaneous use of five or more pieces of construction equipment; or</li> <li>• Construction duration (excluding architectural coatings) of 18 months or more; or</li> <li>• Any project whose construction activities involve pile driving or the use of 300 horsepower equipment.</li> </ul> <p>A Noise Study, prepared by a qualified noise expert shall be required and prepared prior to obtaining any permit by LADBS. The Noise Study shall characterize expected sources of earthwork and construction noise that may affect identified noise-sensitive uses, quantify expected noise levels at these noise-sensitive uses, and recommend measures to reduce noise exposure to the extent noise reduction measures are available and feasible, and to demonstrate compliance with any noise requirements in the Los Angeles Municipal Code. Specifically, the Noise Study shall identify noise reduction devices or techniques to reduce noise levels in accordance with accepted industry practices and in compliance with LAMC standards. Noise reduction devices or techniques shall include but not be limited to mufflers, shields, sound barriers, and time and place restrictions on equipment and activities. The Noise Study shall identify anticipated noise reductions at Noise-Sensitive Uses associated with the noise reduction measures. Applicants and owners shall be required to implement and comply with all measures identified and recommended in the Noise Study. The Noise Study and copies of any contractor agreements shall be maintained pursuant to the proof of compliance requirements and a copy of all</p>	<p>Prior to issuance of grading or building permits submittal of plans with measure on plans, collection of acknowledgement by owner and notice to contractors; subject to inspection by DBS; maintenance of records of compliance for at least five years after issuance of certificate of occupancy; enforcement of violations available through LAMC at City discretion.</p>	<p>Applicant for individual project</p>	<p>City of Los Angeles, Department of Building and Safety</p>

Mitigation Measure	Monitoring Phase and Monitoring Actions <sup>1</sup>	Implementing Party	Enforcement and Monitoring Entity
<p>records documenting compliance shall be maintained for a minimum of five years after the Certificate of Occupancy is issued.</p>			
<p><b>MM NOI-7:</b> The following is required for any project, with the exception of project limited to the construction of 2,000 square feet or less of floor area dedicated to residential uses, whose earthwork or construction activities: (1) involve the use of construction equipment, including Heavy Construction Equipment, that produces 0.12 PPV or more of vibration at a distance of 25 feet; (2) require a permit from LADBS; and (3) which occur:</p> <ul style="list-style-type: none"> <li>• Within 25 feet of any building extremely susceptible to vibration damage, including unreinforced masonry buildings, tilt-up concrete wall buildings, wood-frame multi-story buildings with soft, weak or open front walls, and non-ductile concrete buildings, or a building that is designated or determined to be a historic resource pursuant to local or state law or that is determined to be potentially eligible for historic designation in a Historic Resources Survey; or</li> <li>• Within 15 feet of non-engineered timber and masonry buildings.</li> </ul> <p>Or any project whose construction activities involve the use of pile drivers within 135 feet of any building extremely susceptible to vibration damage, including existing unreinforced masonry buildings, existing tilt-up concrete wall buildings, existing wood-frame multi-story buildings with soft, weak or open front walls, and existing non-ductile concrete buildings, or a building that is designated or determined to be a historic resource pursuant to local or state law or that is determined to be potentially eligible for historic designation in a Historic Resources Survey.</p> <p>Required standard: Prior to demolition, grading/excavation, or construction, a Qualified Structural Engineer shall prepare a survey establishing baseline structural conditions of potentially affected structures and a Vibration Control Plan, which shall include methods to minimize vibration, including, but not limited to:</p> <ul style="list-style-type: none"> <li>• A visual inspection of the potentially affected structures to document (by video and/or photography) the apparent physical condition of the building (e.g., cracks, broken panes, etc.).</li> <li>• A shoring design to protect the identified structures from potential damage;</li> <li>• Use of drilled piles or a sonic vibratory pile driver rather than impact pile driving, when the use of vibrating equipment is unavoidable;</li> <li>• Use of rubber-tired equipment rather than metal-tracked equipment; and</li> <li>• Avoiding the use of vibrating equipment when allowed by best engineering practice.</li> </ul>	<p>Prior to issuance of grading or building permits submittal of plans with measure on plans, collection of acknowledgement by owner and notice to contractors; subject to inspection by DBS; maintenance of records of compliance for at least five years after issuance of certificate of occupancy; enforcement of violations available through LAMC at City discretion.</p>	<p>Applicant for individual project</p>	<p>City of Los Angeles, Department of Building and Safety</p>

Mitigation Measure	Monitoring Phase and Monitoring Actions <sup>1</sup>	Implementing Party	Enforcement and Monitoring Entity
<p><b>MM NOI-8:</b> The following is required for any project, with the exception of projects limited to the construction of 2,000 square feet or less of floor area dedicated to residential uses, whose earthwork or construction activities: (1) involve the use of construction equipment, including Heavy Construction Equipment, that produces 0.12 PPV or more of vibration at a distance of 25 feet; (2) require a permit from LADBS; and (3) which occur:</p> <ul style="list-style-type: none"> <li>• Within 25 feet of any building extremely susceptible to vibration damage, including unreinforced masonry buildings, tilt-up concrete wall buildings, wood-frame multi-story buildings with soft, weak or open front walls, and non-ductile concrete buildings, or a building that is designated or determined to be a historic resource pursuant to local or state law or that is determined to be potentially eligible for historic designation in a Historic Resources survey; or</li> <li>• Within 15 feet of non-engineered timber and masonry buildings.</li> </ul> <p>Or any project whose construction activities involve the use of pile drivers within 135 feet of any building extremely susceptible to vibration damage, including existing unreinforced masonry buildings, existing tilt-up concrete wall buildings, existing wood-frame multi-story buildings with soft, weak or open front walls, and existing non-ductile concrete buildings, or a building that is designated or determined to be a historic resource pursuant to local or state law or that is determined to be potentially eligible for historic designation in a Historic resources Survey.</p> <p>Required standard: In the event of damage to any non-historic building due to construction vibration, as verified by the Qualified Structural Engineer, a letter describing the damage to the impacted building(s) and recommendations for repair shall be prepared by the Qualified Structural Engineer within 60 days of the time when damage occurred. Repairs shall be undertaken and completed, at the owner’s or applicant’s expense, in conformance with all applicable codes.</p> <p>In the event of vibration damage to any building that is designated or determined to be a historic resource pursuant to local or state law or that is determined to be potentially eligible for historic designation in a Historic Resources survey, a letter describing the damage to the impact building(s) and recommendations for repair shall be prepared by the Qualified Historian within 60 days of the time when damage occurred. Repairs shall be undertaken and completed, at the owner’s or applicant’s expense, in conformance with the California Historical Building Code (Title 24, Part 8) as well as the Secretary of the Interior’s Standards for the Treatment of Historic Properties and associated guidelines, as applicable and as determined by the Qualified Historian.</p>	<p>Prior to issuance of grading or building permits submittal of plans with measure on plans, collection of acknowledgement by owner and notice to contractors; subject to inspection by DBS; maintenance of records of compliance for at least five years after issuance of certificate of occupancy; enforcement of violations available through LAMC at City discretion. During repairs: repairs to historical buildings are undertaken and completed in conformance with the California Historical Building Code and the Secretary of the Interior’s Standards for the Treatment of Historic Properties.</p>	<p>Applicant for individual project</p>	<p>City of Los Angeles, Department of Building and Safety City of Los Angeles, Department of City Planning</p>

Mitigation Measure	Monitoring Phase and Monitoring Actions <sup>1</sup>	Implementing Party	Enforcement and Monitoring Entity
<b>Tribal Cultural Resources</b>			
<p><b>MM TC-1: Native American Consultation and Monitoring for Discretionary Projects</b></p> <p>For all projects that require a permit for grading or excavation, if a possible tribal cultural resource is uncovered during earthwork or construction, all work shall cease within a minimum distance of 50 feet from the find until a Qualified Tribal Monitor or Archaeological Monitor has been retained to evaluate the find.</p> <p>Following discovery, the Applicant or Owner shall immediately contact all Native American tribes that have informed the City of Los Angeles they are traditionally and culturally affiliated with the geographic area of the Project, as well as the Department of City Planning, Office of Historic Resources (OHR). If a Qualified Tribal Monitor or Archaeological Monitor determines, pursuant to Public Resources Code Section 21074(a)(2), that the object or artifact appears to be a potential tribal cultural resource, in its discretion and supported by substantial evidence, the Applicant and Owner shall provide any affected tribe a reasonable period of time, not less than five business days, to conduct a site visit and make recommendations to the Applicant or Owner and OHR regarding the monitoring of future Ground Disturbance Activities and the treatment and disposition of any discovered tribal cultural resources. The Applicant or Owner shall implement the tribe's recommendations if the Qualified Tribal Monitor or Archaeological Monitor reasonably concludes such recommendations are reasonable and feasible.</p> <p>Consistent with Public Resources Code Section 21083.2, the handling, treatment, preservation, and recordation of tribal cultural resources should occur as follows:</p> <ul style="list-style-type: none"> <li>• The find should be preserved in place or left in an undisturbed state unless the Project would damage the resource.</li> <li>• When preserving in place or leaving in an undisturbed state is not possible, excavation and recovery of the find for scientific study should occur unless testing or studies already completed have adequately recovered the scientifically consequential information from and about the resource, and this determination is documented by a Qualified Tribal Monitor or Qualified Archaeologist.</li> </ul> <p>All collected artifacts and fieldwork notes, if not human remains or other mortuary objects, shall be curated at the Natural History Museum of Los Angeles County or another appropriate curatorial facility for educational purposes. If cleared by the Qualified Tribal Monitor or Archaeological Monitor, Ground Disturbance Activities may continue unimpeded on other portions of the site. Ground Disturbance Activities in the area where resource(s) were found may recommence once the identified resources are</p>	<p>Prior to issuance of grading or building permits submittal of plans with measure on plans, collection of acknowledgement by owner and notice to contractors; subject to inspection by DBS; maintenance of records of compliance for at least five years after issuance of certificate of occupancy; enforcement of violations available through LAMC at City discretion.</p>	<p>Applicant for individual project</p>	<p>City of Los Angeles, Department of Building and Safety City of Los Angeles, City Planning's Office of Historic Resources</p>

Mitigation Measure	Monitoring Phase and Monitoring Actions <sup>1</sup>	Implementing Party	Enforcement and Monitoring Entity
<p>properly assessed and processed. A report that describes the resource and its disposition, as well as the assessment methodology shall be prepared by the Qualified Tribal Monitor or Archaeological Monitor, according to current professional standards. A copy of the report shall be submitted to OHR, the South Central Coastal Information Center at California State University, Fullerton and to the Native American Heritage Commission for inclusion in its Sacred Lands File. If requested by the City, OHR may review and approve any monitoring or mitigation plan prior to implementation.</p>			
<p><b>MM TC-2: Notices for Non-Discretionary Projects</b></p> <p>All projects that are seeking excavation or grading permits, prior to issuance of a permit for grading or excavation, the Department of Building and Safety shall issue the following notice and obtain a signed acknowledgement that the notice was received and read by the applicant and owner.</p> <ul style="list-style-type: none"> <li>• Several federal and state laws regulate the treatment of tribal resources and make it criminal violation to destroy those resources. These include, but are not limited to: <ul style="list-style-type: none"> <li>– California Penal Code Section 622.5 provides the following: “Every person, not the owner thereof, who willfully injures, disfigures, defaces, or destroys any object or thing of archeological or historical interest or value, whether situated on private lands or within any public park or place, is guilty of a misdemeanor.”</li> <li>– Public Resources Code Section 5097.5(a) states, in part, that:</li> <li>– No person shall knowingly and willfully excavate upon, or remove, destroy, injure, or deface, any historic or prehistoric ruins, burial grounds, archaeological or vertebrate paleontological site, including fossilized footprints, inscriptions made by human agency, rock art, or any other archaeological, paleontological or historical feature, situated on public lands, except with the express written permission of the public agency having jurisdiction over the lands.</li> <li>– California Code of Regulations, Title 14, Section 4307 states: “No person shall remove, injure, deface or destroy any object of paleontological, archaeological, or historical interest or value.” Section 1427 “recognizes that California’s archaeological resources are endangered by urban development and population growth and by natural forces...Every person, not the owner thereof, who willfully injures, disfigures, defaces, or destroys any object or thing of archaeological or historical interest or value, whether situated on private lands or within any public park of place, is guilty of a misdemeanor. It is a misdemeanor to alter any archaeological evidence found in any cave, or to remove any materials from a cave.”</li> </ul> </li> </ul>	<p>Prior to issuance of excavation or grading permits: verify receipt of acknowledgement from applicant.</p>	<p>Applicant for individual project</p>	<p>City of Los Angeles, Department of Building and Safety</p>

- Best practices to ensure that tribal cultural resources are not damaged include but are not limited to the following steps:
  - A Sacred Lands File (SLF) records search shall be requested from and conducted by the California Native American Heritage Commission (NAHC) to determine whether cultural resources associated with any Native American tribe(s) with traditional lands or cultural places located within or near the Project site have been previously identified or whether the Project area is considered sensitive for the presence of tribal cultural resources.
  - All tribes listed on the NAHC’s Native American Contact List included with the SLF records search shall be contacted, informed of the Project, and given an opportunity to provide input. If the tribe provides substantial evidence of a potential for discovery of tribal cultural resources within the Project site and requests monitoring of Project excavation, grading or other Ground Disturbance Activities, a Qualified Tribal Monitor or an Archaeological Monitor shall be retained.
  - A qualified tribal monitor or archaeological monitor shall observe all ground disturbance activities within those areas identified in the records search as sensitive for the presence of tribal cultural resources in order to identify any resources and avoid potential impacts to such resources. In the event of a possible discovery of a tribal cultural resource, the qualified tribal monitor or archaeological monitor shall have the authority to temporarily halt earthwork activities within an appropriate radius of the find, as determined by the qualified tribal monitor or qualified archaeologist to ensure the find is not damaged or any other potential tribal cultural resources on or near the project site.
  - If tribal resources are uncovered (in either a previously disturbed or undisturbed area), all work should cease in the appropriate radius determined by the qualified tribal monitor and in accordance with federal, state, and local guidelines.
  - Any find shall be treated with appropriate dignity and protected and preserved as appropriate with the agreement of the qualified tribal monitor and in accordance with federal, state, and local guidelines.
  - The location of the tribal cultural resources find and the type and nature of the find should not be published beyond providing it to public agencies with jurisdiction or responsibilities related to the resources any affected tribal representatives.
  - Following discovery, the applicant or owner shall immediately contact all Native American tribes that have informed the City of Los Angeles they are traditionally and culturally affiliated with the geographic area of the Project, as well as the Department of City Planning, Office of Historic Resources (OHR).

Mitigation Measure	Monitoring Phase and Monitoring Actions <sup>1</sup>	Implementing Party	Enforcement and Monitoring Entity
<ul style="list-style-type: none"> <li>- The applicant and owner shall provide any affected tribe a reasonable period of time, not less than five business days, to conduct a site visit and make recommendations to the applicant or owner regarding the monitoring of future ground disturbance activities and the treatment and disposition of any discovered tribal cultural resources.</li> <li>- The applicant or owner shall implement the tribe’s recommendations if the qualified tribal monitor or archaeological monitor reasonably concludes such recommendations are reasonable and feasible and determined to be supported with substantial evidence.                             <ul style="list-style-type: none"> <li>• Consistent with Public Resources Code Section 21083.2, the handling, treatment, preservation, and recordation of tribal cultural resources shall occur as follows:                                     <ul style="list-style-type: none"> <li>- The find shall be preserved in place or left in an undisturbed state unless the Project would damage the resource.</li> </ul> </li> <li>• When preserving in place or leaving in an undisturbed state is not possible, excavation and recovery of the find for scientific study shall occur unless testing or studies already completed have adequately recovered the scientifically consequential information from and about the resource, and this determination is documented by a Qualified Tribal Monitor or Qualified Archaeologist.</li> <li>• All collected artifacts and fieldwork notes, if not human remains or other mortuary objects, shall be curated at the Natural History Museum of Los Angeles County or another appropriate curatorial facility.</li> <li>• If cleared by the Qualified Tribal Monitor or Archaeological Monitor, Ground Disturbance Activities may continue unimpeded on other portions of the site. Ground Disturbance Activities in the area where resource(s) were found may recommence once the identified resources are properly assessed and processed.</li> <li>• Personnel of the project should not collect or move any tribal cultural resources or associated materials or publish the location of tribal cultural resources.</li> </ul> </li> </ul>			

Notes:

1. The Monitoring Phase/Monitoring Actions are applicable to projects that are subject to the measures as described within each measure.

CPC-2016-2905-CPU

City Planning Commission Recommended Draft

**Exhibit 2: CEQA Findings of facts and Statement of Overriding Considerations**

# **Boyle Heights Community Plan Update**

## **Findings of Fact and Statement of Overriding Considerations**

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## 1. INTRODUCTION

California Environmental Quality Act (CEQA) – The following Findings of Fact (Findings) have been prepared for the Boyle Heights Community Plan Update (“Proposed Plan” or “Proposed Project”), for which an environmental impact report (EIR) was prepared pursuant to California Environmental Quality Act (CEQA) (California Public Resources Code [PRC] Section 21000, et seq.). Approval of a project with significant impacts requires that findings be made by the lead agency pursuant to Public Resources Code Section 21081(a) and Section 15091 of the *State CEQA Guidelines* (California Code of Regulations [CCR] Title 14, Division 6, Chapter 3).

PRC Section 21081 provides:

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

- (a) The public agency makes one or more of the following findings with respect to each significant effect:*
  - (1) Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.*
  - (2) Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.*
  - (3) Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.*
- (b) With respect to significant effects which were subject to a finding under paragraph (3) of subdivision (a), the public agency finds that specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects on the environment.*

*State CEQA Guidelines Section 15091(a) provides:*

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

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

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

## **2. FINDINGS**

Unless specified otherwise, references to the EIR for the Proposed Project<sup>1</sup> in this document includes the Draft EIR and the Final EIR, including the Findings document.

Based on all the information and evidence in the administrative record, the City Council for the City of Los Angeles hereby makes the following Findings of Fact:

### **A. General Findings**

#### *EIR Findings*

The Council ratifies, adopts, and incorporates the analysis and explanations in the EIR (inclusive of the Draft EIR and Final EIR), and ratifies, adopts, and incorporates in these findings, all of the determinations and conclusions in the EIR relating to environmental impacts, mitigation measures, and alternatives.

#### *Response to Comments*

The City evaluated comments on the environmental issues received from persons who reviewed the Draft EIR. In accordance with CEQA, the City 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 City Council reviewed the comments received and the responses thereto and has determined that neither the comments received nor the responses to such comments add significant new information as defined by *State CEQA Guidelines* Section 15088.5. The City Council finds that all information added to the EIR after public notice of the availability of the Draft EIR for public review but before certification merely clarifies, amplifies, or makes insignificant modifications to an adequate EIR and

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<sup>1</sup> "Proposed Project" and "Proposed Plan" are used interchangeably in these Findings of Fact and Statement of Overriding Considerations (SOC).

does not require recirculation. The City Council has based its actions on a full evaluation of all comments in the record of proceedings concerning the environmental impacts identified and analyzed in the EIR.

### ***Substantial Evidence***

The City Council finds and declares that substantial evidence for each Finding made herein is contained in the EIR and other materials found in the record of proceedings. Moreover, the City Council finds that where more than one reason exists for any Finding, the City Council finds that each reason independently supports such Finding, and that any reason in support of a given finding individually constitutes a sufficient basis for that Finding.

### ***Relationship of Findings to the EIR***

These Findings are based on the most current information available. Accordingly, to the extent there are any apparent conflicts or inconsistencies between the Draft EIR and the Final EIR, on the one hand, and these Findings, on the other, these Findings shall control over the Draft EIR and the Final EIR or both, as the case may be. The EIR is hereby amended as set forth in these Findings. Corrections or information that has been added to the Draft EIR as part of the preparation of the Final EIR are described in detail in **Section 2.0, Corrections and Additions**, of the Final EIR.

## **B. Findings for Environmental Impacts Found to be Significant and Unavoidable**

The Proposed Project would result in significant and unavoidable impacts after implementation of any feasible mitigation measures identified in the EIR. For each of the significant and unavoidable impacts, the City adopts one or more of the following findings as identified below:

**Finding 1:** Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

**Finding 2:** Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

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

## *Air Quality*

### **Cumulatively Considerable Net Increase**

The following findings are for the Proposed Project impacts and cumulative impacts.

#### Description of Significant Effect(s)

The Proposed Plan would result in a significant and unavoidable project and cumulative impacts related to a cumulatively considerable net increase of criteria pollutants for which the region is non-attainment under an applicable federal or state ambient air quality standard, including releasing emissions which exceed quantitative thresholds for ozone precursors during construction (nitrogen oxides [NO<sub>x</sub>]) and during operations (VOC) (see Draft EIR pages 4.2-39 through 4.2-53; 4.2-66 through 4.2-67).

#### Adopted Mitigation Measure(s)

To mitigate the above-described significant impacts, the City adopted the following mitigation measures in the Mitigation and Monitoring Plan (MMP):

- MM AQ-1
- MM AQ-2
- MM AQ-3
- MM AQ-4
- MM AQ-5
- MM AQ-6
- MM AQ-7
- MM AQ-8

#### Finding(s)

The City adopts the following findings for the above-described significant impacts:

- Finding 1
- Finding 3

#### Rationale for Finding

#### *Mitigation*

Implementation of **Mitigation Measure MM AQ-1** through **MM AQ-8** would substantially reduce average equipment and vehicle emissions. However, individual large development projects or multiple smaller projects within the CPA may exceed the SCAQMD regional significance threshold for NO<sub>x</sub> despite emission reductions from implementation of the **Mitigation Measure MM AQ-1** through **MM AQ-8**.

No feasible mitigation measures were available to reduce the long-term (operational) VOC emissions associated with the implementation of the Proposed Plan to below SCAQMD thresholds. Similarly, no feasible mitigation measures were identified to reduce the significant impacts related or regional NOx emissions from construction to below SCAQMD thresholds.

No additional mitigation measures were identified to reduce this significant impact during construction to less than significant levels and meet the project objectives. The SCAQMD suggested the following mitigation measures to further reduce emissions from future construction and operation activities:

***Construction***

- Require the use of electric or alternative-fueled (i.e., non-diesel) construction equipment, if available, including but not limited to, concrete/industrial saws, pumps, aerial lifts, material hoist, air compressors, forklifts, excavator, wheel loader, and soil compactors.
  - *Explanation:* The City finds that such a mitigation measure is technically infeasible as the potential for impacts is based on many variables including the year of construction activities, the amount of equipment used per day, and the daily number of truck trips.
- Owners and operators of future development projects shall maintain records of all trucks associated with project construction to document that each truck used meets these emission standards and make the records available for inspection. The Lead Agency should conduct regular inspections of future development projects.
  - *Explanation:* The City finds that such a mitigation measure is technically infeasible as the City does not have the legal jurisdiction to ensure that on-road vehicles meet federal and State emissions standards.
- Provide electric vehicle (EV) charging stations or, at a minimum, provide the electrical infrastructure and electrical panels shall be appropriately sized. Electrical hookups should be provided for trucks to plug in any onboard auxiliary equipment.
  - *Explanation:* The City finds that such a mitigation measure is technically infeasible as all future projects will be required to comply with the California Building Code, Title 24 requirements, which require electric vehicle charging stations.
- Provide temporary traffic controls such as a flag person, during all phases of significant construction activity to maintain smooth traffic flow, where necessary.

*Findings of Fact and Statement of Overriding Considerations*

- *Explanation:* The City finds that such a mitigation measure is technically infeasible as the Department of Transportation requires traffic controls during the permitting process for specific projects, when applicable.
- Provide dedicated turn lanes for the movement of construction trucks and equipment on- and off-site, where applicable.
  - *Explanation:* The City finds that such a mitigation measure is technically infeasible as the City Department of Transportation requires traffic controls during the permitting process for specific projects, when applicable.
- Ensure that vehicle traffic inside the project site is as far away as feasible from sensitive receptors.
  - *Explanation:* The City finds that such a mitigation measure is technically infeasible as development sites within the CPA lack space to accommodate this recommendation.
- Reduce traffic speeds on all unpaved roads to 15 miles per hour (mph) or less.
  - *Explanation:* The City finds that such a mitigation measure is technically infeasible as it is related to fugitive dust control; and all construction projects located within the City are required to comply with SCAQMD Rule 403 (Fugitive Dust), which ensures comprehensive control of fugitive dust emissions in the Air Basin.
- Suspend all excavating and grading operations when wind speeds (as instantaneous gusts) exceed 25 mph.
  - *Explanation:* The City finds that such a mitigation measure is technically infeasible as it is related to fugitive dust control; and all construction projects located within the City are required to comply with SCAQMD Rule 403 (Fugitive Dust), which ensures comprehensive control of fugitive dust emissions in the Air Basin.
- Suspend use of all construction activities that generate air pollutant emissions during first stage smog alerts.
  - *Explanation:* The City finds that such a mitigation measure is technically infeasible as it is not practical or reasonable to suspend all construction activities on any given day within the 4,371-acre CPA Boyle Heights CPA.
- Configure construction parking to minimize traffic interference.

- *Explanation:* The City finds that such a mitigation measure is technically infeasible as the City’s Department of Transportation requires traffic controls during the permitting process for specific projects, when applicable.
- Require covering of all trucks hauling dirt, sand, soil, or other loose materials.
  - *Explanation:* The City finds that such a mitigation measure is technically infeasible as it is related to fugitive dust control; and all construction projects located within the City are required to comply with SCAQMD Rule 403 (Fugitive Dust), which ensures comprehensive control of fugitive dust emissions in the Air Basin.
- Install wheel washers where vehicles enter and exit the construction site onto paved roads or wash off trucks and any equipment leaving the site for each trip.
  - *Explanation:* The City finds that such a mitigation measure is technically infeasible as it is related to fugitive dust control; and all construction projects located within the City are required to comply with SCAQMD Rule 403 (Fugitive Dust), which ensures comprehensive control of fugitive dust emissions in the Air Basin.
- Apply non-toxic soil stabilizers according to manufacturers’ specifications to all inactive construction areas (previously graded areas inactive for ten days or more).
  - *Explanation:* The City finds that such a mitigation measure is technically infeasible as it is related to fugitive dust control; and all construction projects located within the City are required to comply with SCAQMD Rule 403 (Fugitive Dust), which ensures comprehensive control of fugitive dust emissions in the Air Basin.
- Replace ground cover in disturbed areas as quickly as possible to minimize dust.
  - *Explanation:* The City finds that such a mitigation measure is technically infeasible as it is related to fugitive dust control; and all construction projects located within the City are required to comply with SCAQMD Rule 403 (Fugitive Dust), which ensures comprehensive control of fugitive dust emissions in the Air Basin.
- Pave roads and road shoulders, where applicable.
  - *Explanation:* The City finds that such a mitigation measure is technically infeasible as it is related to fugitive dust control; and all construction projects located within the City are required to comply

with SCAQMD Rule 403 (Fugitive Dust), which ensures comprehensive control of fugitive dust emissions in the Air Basin.

- Sweep streets at the end of the day with South Coast AQMD Rule 1186 and 1186.1 compliant sweepers if visible soil is carried onto adjacent public paved roads (recommend water sweepers that utilize reclaimed water).
  - *Explanation:* The City finds that such a mitigation measure is technically infeasible as it is related to fugitive dust control; and all construction projects located within the City are required to comply with SCAQMD Rule 403 (Fugitive Dust), which ensures comprehensive control of fugitive dust emissions in the Air Basin.

### ***Operation***

- Require ZE or near-zero emissions (NZE) heavy-duty trucks for future development projects during operation. Given the State’s clean truck rules and regulations aiming to accelerate the utilization and market penetration of ZE and NZE trucks, such as the Advanced Clean Trucks Rule and the Heavy-Duty Low NOx Omnibus Regulation, ZE and NZE trucks will become increasingly more available to use. The Lead Agency can and should require future development projects to have a phase-in schedule to incentivize these cleaner operating trucks to reduce any significant adverse air quality impacts. South Coast AQMD staff is available to discuss the availability of current and upcoming truck technologies and incentive programs.
  - *Explanation:* The City finds that such a mitigation measure is technically infeasible as this would require a massive turnover of the private on-road haul truck vehicle fleet from older engines to new zero-emissions or near-zero emission trucks. These trucks are not currently readily available in Los Angeles County and not in the numbers that would support the intensity of construction activities in the Boyle Heights CPA and throughout the City, although this is expected to change with time. The City is not best situated to do rulemaking on best available control technology as an expert agency on air pollution control measures. The City finds it is infeasible as a policy matter to expend resources to regulate fleet emissions. Fleet emissions for vehicles that provide a regional service is best regulated by the CARB or the SCAQMD. For example, the SCAQMD already has rules that are relevant to certain vehicle fleets (e.g., Rule 1196 (Clean On-Road Heavy-Duty Public Fleet Vehicles) and the CARB has regulations applicable to truck emissions (e.g., Heavy-Duty (Tractor-Tractor) Greenhouse Gas Regulation). Additionally, it is infeasible to create a fleet emission requirement for one community plan out of 34, and for one City not the entire air basin or economic region. It would be unreasonable from a policy perspective for the City to invest the

necessary resources to develop a program mandating truck requirements within the Boyle Heights CPA, which would require expending significant funds for research and development and rulemaking activities. The City finds that expending these resources is not supported by standard practices under CEQA and that it would not be appropriate to divert funding when CARB and the SCAMQD already maintain robust emission control strategies.

- Require future development projects to provide electrical infrastructure and electrical panels, which should be appropriately sized. Electrical hookups should be provided for truckers to plug in any onboard auxiliary equipment. Maximize use of solar energy by installing solar energy arrays.
  - *Explanation:* The City finds that such a mitigation measure is technically infeasible as all new land use development in the City complies with laws and regulations related to electrical infrastructure (e.g., Title 24). LADWP is responsible for power supply and compliance with SB 350 (Clean Energy and Pollution Reduction Act of 2015). The City has an aggressive goal for 100% renewable energy by 2045 that is independent of the Proposed Plan. For example, former Los Angeles Mayor Eric Garcetti’s plan to phase out three gas-fired power plants by 2029 is expected to accelerate the transition by the largest municipal utility in the nation to 100% renewable energy.

In addition, the Los Angeles Green Building Code includes up-to-date solar requirements mandated by the State. The City finds this measure as infeasible as a policy matter to the extent it is inconsistent with other City plans and policies to reduce energy use and attain its renewable energy goals.

- Limit the daily number of trucks allowed at future development projects to the levels analyzed in the subsequent, project-level environmental analyses for these projects. If higher daily truck volumes are anticipated to visit the site, an additional analysis should be done through CEQA prior to allowing this higher activity level.
  - *Explanation:* The City finds that such a mitigation measure is technically infeasible as the potential for impacts is based on many variables including the year of construction activities, the amount of equipment used per day, and the daily number of truck trips. It is not possible to develop a truck limit that would reduce emission from every project to a less-than-significant impact given the variables. Projects will be assessed on a case-by-case basis for potential impacts that may require truck volume limitations.

- Use light colored paving and roofing materials.
  - *Explanation:* The City finds that such a mitigation measure is technically infeasible as the City has a cool roof ordinance as part of the Los Angeles Green Building Code; the ordinance does not mandate specific color palettes or materials but allows for flexibility as long as products are in line with the Cool Roofs Rating Council.
- Utilize only Energy Star heating, cooling, and lighting devices, and appliances.
  - *Explanation:* The City finds that such a mitigation measure is technically infeasible as the City has a Green Building Code that incorporates Energy Star features into new construction. Refer to the Energy Efficiency subsection of Divisions 4 (Residential Mandatory Measures) and 5 (Nonresidential Mandatory Measures) of Article 9 in the LAMC Green Building Code.
- Use of water-based or low VOC cleaning products that go beyond the requirements of South Coast AQMD Rule 1113.
  - *Explanation:* The City finds that such a mitigation measure is technically infeasible as the regional availability of water-based and low VOC cleaning products should be regulated by the SCAQMD, similar to SCAQMD Rule 1113 for Architectural Coatings. Unlike the SCAQMD, the City does not have the expertise or resources to identify and enforce a ban on the VOC content of cleaning products. It would not be feasible or responsible for the City to expend resources for program development to the extent that the SCAQMD already does as the regulatory authority. The City finds such a measure therefore infeasible as a policy matter as it is undesirable to use City resources needed elsewhere to develop a rulemaking process requiring technical air pollution expertise and understanding of the industry. The City also finds it is infeasible to develop new rules on cleaning products at the community plan level.

Design considerations that the Lead Agency should consider and include in the Final EIR for future development projects to further reduce air quality and health risk impacts include the following:

- Design future development projects such that any truck check-in point is inside the site to ensure no trucks are queuing outside.
  - *Explanation:* The City finds that such a mitigation measure is technically infeasible as the Community Plan sets a land use and zoning framework for the CPA and does not include prescriptive design elements. Further, the small size of many of the lots in the CPA make truck check in points impractical and infeasible at the project level.

- Design a future development project to ensure that truck traffic inside the project site is as far away as feasible from sensitive receptors.
  - *Explanation:* The City finds that such a mitigation measure is technically infeasible as the Boyle Heights CPA is a dense urban environment. Boyle Heights has a residential population of approximately 86,000 and a population density of approximately 13,000 people per square mile making it one of the most densely populated communities in Los Angeles. Development sites within the CPA lack space to address this recommendation.
- Restrict overnight truck parking in sensitive land uses by providing overnight truck parking inside the future development project site.
  - *Explanation:* The City finds that such a mitigation measure is technically infeasible as the intent of the proposed measure is unclear, however, during the construction phase trucks are anticipated to be parked on site.
- Create buffer zones between warehouses and sensitive land uses.
  - *Explanation:* The City finds that such a mitigation measure is technically infeasible as the Boyle Heights CPA is a dense urban environment. Boyle Heights has a residential population of approximately 86,000 and a population density of approximately 13,000 people per square mile making it one of the most densely populated communities in Los Angeles. Development sites within the CPA lack space to address this recommendation. The Proposed Plan aims to improve land use compatibility by creating buffers and better transitions between intense uses and sensitive uses, such as residential neighborhoods, and includes land use and zoning changes to create greater distance between areas where warehouses and industrial uses are permitted, and sensitive land uses exist.

### *Alternatives*

None of the alternatives studied in the EIR would reduce significant impacts related to cumulative criteria pollutant emissions to a less than significant level. Alternatives 1 would result in less development in the CPA and thus, lower construction and operational emissions in the CPA, as compared to the Proposed Plan; however, while emissions would be less overall, they would still exceed significance thresholds for construction related NO<sub>x</sub> emissions and operational VOC emissions. Alternative 2 and 3 would result in more development and therefore may result in greater operational emissions. Alternative 4 would result in less development but would not be subject to the same mitigation measures and therefore would have greater impacts to NO<sub>x</sub>. As discussed below in Section 2(E), the City rejects Alternatives 1, 2, 3, and 4.

*Conclusions*

No additional feasible mitigation measures or alternatives were identified to reduce the significant impacts for construction related NOx emissions and operational VOC emissions.

The City finds that changes or alterations have been required in, or incorporated into, the Proposed Project that substantially lessens the significant impact associated with construction. However, it is reasonable to assume that the Proposed Plan could generate emissions exceeding the significance threshold for construction related NOx emissions despite implementation of **Mitigation Measures MM AQ-1 through MM AQ-8**. No feasible mitigation measures were identified for operation VOC emissions.

Based on the above, specific economic, legal, social, technological, or other considerations make it infeasible to apply mitigation measures or project alternatives in a manner that would reduce the Proposed Plan construction related NOx emissions and operational VOC emission impacts to a less than significant level.

**Sensitive Receptors (Operation)**

The following findings are for the Proposed Project impacts and cumulative impacts.

Description of Significant Effect(s)

The Proposed Plan would result in significant and unavoidable project and cumulative impacts related to the exposure of sensitive receptors to substantial toxic air contaminant (TAC) emissions from truck trips associated with operation of distribution centers and warehouses (see Draft EIR pages 4.2-61 through 4.2-62 and 4.2-67).

Adopted Mitigation Measure(s)

To mitigate the above-described significant impacts, the City adopted the following mitigation measures in the Mitigation and Monitoring Plan (MMP):

- **MM AQ-1 through AQ-8**
- **MM AQ-9**
- **MM AQ-10**

*Finding(s)*

The City adopts the following findings for the above-described significant impacts:

- Finding 1
- Finding 3

*Rationale for Finding*

*Mitigation*

Application of **Mitigation Measure MM AQ-9** would reduce impacts associated with distribution centers and warehouses with high volumes of trucking activity to the degree feasible. However, it cannot be determined that distribution centers or large warehouses with high trucking volumes would not result in health risks exceeding the SCAQMD threshold. Implementation of **Mitigation Measure MM AQ-10** would require coordination with SCAQMD to identify potential design features and ensure future projects do not conflict with the East Los Angeles, Boyle Heights, West Commerce area (ELABHWC) Community Emissions Reduction Plan (CERP). As discussed above, no additional mitigation measures were identified to further reduce construction or operation impacts to less than significant levels that would meet the project objectives. Generally, the City found the SCAQMD suggested mitigation measures to be technically infeasible as they are not proportional to the impact or were not within the powers of the City to impose and enforce.

*Alternatives*

None of the alternatives studied in the EIR would reduce significant impacts related to cumulative criteria pollutant emissions to a less than significant level. Alternatives 1 would result in less development and therefore less operational emissions in the CPA, as compared to the Proposed Plan. However, while emissions would be less overall, they would still exceed operational VOC emissions and impacts to sensitive receptors from operational impacts related to distribution facilities and significant and unavoidable impacts could still occur. Alternative 2 would result in more development and therefore may result in more impacts to sensitive receptors. Alternative 3 would result in greater overall development and impacts related to criteria air pollutant emissions; however, without specific project details impacts related to TACs during operation from distribution facilities would be significant and unavoidable. Alternative 4 would accommodate less overall development; however, the mitigation measures required for the Proposed Plan would not be required and criteria pollutant emissions would be potentially higher than the Proposed Plan. As discussed below in Section 2(E), the City rejects Alternatives 1, 2, 3, and 4.

*Conclusions*

No additional feasible mitigation measure or alternatives were identified to reduce the significant impacts for TAC-related impacts associated with distribution centers and warehouses.

The City finds that changes or alterations have been required in, or incorporated into, the Proposed Project that substantially lessens the significant impact associated with distribution centers. However, absent project-level details, it is reasonable to assume that the Proposed Plan could result in significant impacts related to sensitive receptor exposure to substantial pollutant concentrations for heavy industrial use operations involving high volumes of trucking activities, despite implementation of **Mitigation Measures MM AQ-9** and **MM AQ-10**.

Based on the above, specific economic, legal, social, technological, or other considerations make it infeasible to apply mitigation measures or project alternatives in a manner that would reduce the Proposed Plan sensitive receptor exposure to substantial pollutant concentration impacts to a less than significant level.

*Cultural Resources*

**Historical Resources**

The following findings are for the Proposed Project impacts and cumulative impacts.

Description of Significant Effect(s)

The Proposed Plan would result in a significant and unavoidable project and cumulative impact due to the possible demolition and/or significant alteration to some of the historical resources within the CPA (see Draft EIR pages 4.4-36 to 4.3-40).

Adopted Mitigation Measure(s)

No feasible mitigation measures have been identified that could reduce the significant impacts to historical resources.

Finding(s)

The City adopts the following findings for the above-described significant impacts:

- Finding 3

*Rationale for Finding*

*Mitigation*

The City's regulations and typical practices make it unlikely that a historical resource will be lost. However, the Cultural Heritage Ordinance cannot prevent a property from being demolished or redeveloped or prevent structures from being altered. While the Boyle Heights CPIO District includes a review process for development projects that include the demolition or alteration of a designated or eligible historical resource, it is possible that demolition and/or significant alteration to some of the historical resources within the CPA could occur. As a policy matter, requiring additional review, regulations, or processes to projects involving historical resources than those described above is undesirable based on the requirements it would place on City resources and the delay it would result for projects and housing production. Creating additional processes would require an undesirable allocation of staff resources that are not available at this time and additional review and regulations for development projects that provide community, including mixed-income and affordable housing projects, are not desired. Such burdens would not result in an efficient use of City resources or desirable land use outcomes. Applying staff resources to that would take those resources from other more desirable policy efforts, including those that will result in affordable housing, such as other community plan updates, and protections of the environment or the processing of other desirable and urgently needed development projects that provide housing or new jobs. To hire more staff would require passing those costs on to new development and putting more costs on desirable and needed development that produces housing or jobs or allocating general funds that are needed for more important public health, safety, and welfare needs. Therefore, additional mitigation measures are not feasible.

*Alternatives*

None of the alternatives studied in the EIR would reduce significant impacts related to historical resources to a less than significant impact. Alternatives 1 and 4 would result in less development and therefore fewer historical resources are likely to be disturbed, but significant and unavoidable impacts could still occur. Alternative 2 would result in greater development and therefore more historical resources may be disturbed. Alternative 3 would have similar impacts to historical resources. As discussed below in Section 2(E), the City rejects Alternatives 1, 2, 3, and 4.

*Conclusions*

No feasible alternative or mitigation measures were identified to reduce impacts related to historical resources from the Proposed Plan to less than significant.

Based on the above, specific economic, legal, social, technological, or other considerations make it infeasible to apply mitigation measures or project alternatives in a manner that would reduce the Proposed Plan and cumulative impacts to historical resources to a less than significant level.

### ***Noise and Vibration***

#### **Temporary Increase in Noise Levels (Construction)**

The following findings are for the Proposed Project impacts and cumulative impacts.

##### Description of Significant Effect(s)

The Proposed Plan would result in a significant and unavoidable project and cumulative impacts due to the temporary noise impacts related to construction. (Draft EIR pages 4.11-27 to 4.11-41, 4.11-47 to 4.11-48).

##### Adopted Mitigation Measure(s)

To mitigate the above-described significant impacts, the City adopted the following mitigation measures in the Mitigation and Monitoring Plan (MMP):

- MM NOI-1
- MM NOI-2
- MM NOI-3
- MM NOI-4
- MM NOI-5
- MM NOI-6

##### Finding(s)

The City adopts the following findings for the above-described significant impacts:

- Finding 1
- Finding 3

##### Rationale for Finding

##### *Mitigation*

Implementation of **Mitigation Measures NOI-1** through **MM NOI-6** would reduce temporary construction noise for projects within the Boyle Heights Community Plan Area to the extent feasible. For any project whose earthwork or construction activities involve the use of construction equipment and require a permit from the Department of Building and Safety (LADBS); are located within 500 feet of Noise-Sensitive Uses; and have two or more subterranean levels, 20,000 cubic yards or more of excavated material, simultaneous

use of five or more pieces of construction equipment, construction duration (excluding architectural coatings) of 18 months or more, or construction activities involving impact pile driving or the use of 300 horsepower equipment, **Mitigation Measure NOI-6** would require preparation of a Noise Study by a qualified noise expert prior to obtaining any permit from LADBS.

For any project whose earthwork or construction activities involve the use of construction equipment and require a permit from LADBS, power construction equipment shall be equipped with noise shielding and muffling devices (i.e., **Mitigation Measure NOI-1**) all outdoor mechanical equipment (e.g., generators, compressors) shall be enclosed or visually screened (i.e., **Mitigation Measure NOI-3**), and construction staging areas shall be located as far from Noise-Sensitive Uses as reasonably possible and technically feasible (i.e., **Mitigation Measure NOI-4**). Additionally, for any project with both earthwork and construction activities that involve the use of construction equipment and require a permit from LADBS, **Mitigation Measure NOI-2** would prohibit driven (impact) pile systems, except in locations where the underlying geology renders drilled piles, sonic, or vibratory pile drivers infeasible.

Any project whose construction activities are located within a line of sight to and within 500 feet of Noise-Sensitive Uses, with the exception of projects limited to the construction of 2,000 square feet or less of floor area dedicated to residential uses, and whose earthwork and construction activities involve the use of construction equipment and require a permit from LADBS, would be required to erect noise barriers, such as temporary walls or sound blankets, that are a minimum of eight feet tall between construction activities and Noise-Sensitive Uses as reasonably possible and technically feasible (i.e., **Mitigation Measure NOI-5**)

Noise generated by construction could still exceed the 75 dBA standard in Los Angeles Municipal Code Section 112.05. Since compliance with all City standards cannot be assured for all construction projects, construction noise at various sensitive land uses could result in significant impacts. Additionally, based on peculiar site or project conditions or characteristics, significant impacts related to temporary increases in ambient noise may occur even with imposition of **Mitigation Measures NOI-1** through **NOI-6**. No other feasible mitigation measures were identified to reduce significant impacts from construction activities.

#### *Alternatives*

None of the alternatives studied in the EIR would reduce significant impacts related to temporary construction noise to a less than significant level. Alternatives 1 would result in less development and therefore fewer number of persons could experience health effects from significant construction noise impacts, but significant and unavoidable impacts could still occur. Alternative 2 and 3 would result in greater development and therefore a greater number of persons could be impacted. Alternative 4 would

result in greater impacts as the mitigation measures would not apply to the Alternative. As discussed below in Section 2(E), the City rejects Alternatives 1, 2, 3, and 4.

*Conclusions*

No additional feasible mitigation measure or alternatives were identified to reduce the significant impacts for temporary construction noise impacts.

The City finds that changes or alterations have been required in, or incorporated into, the Proposed Project that substantially lessens the significant impact associated with temporary construction noise impacts. However, noise generated by construction could still exceed the 75 dBA standard in the LAMC Section 112.05 and therefore impacts would be considered significant and unavoidable despite implementation of **Mitigation Measures MM NOI-1 through MM NOI-6**.

Based on the above, specific economic, legal, social, technological, or other considerations make it infeasible to apply mitigation measures or project alternatives in a manner that would reduce the Proposed Plan impacts related to temporary construction noise to a less than significant level.

**Temporary Increase in Ground-borne Vibration (Construction)**

The following findings are for the Proposed Project impacts and cumulative impacts.

*Description of Significant Effect(s)*

The Proposed Plan would result in a significant and unavoidable project and cumulative impacts related to temporary ground-borne vibration or ground-borne noise (collectively “ground-borne vibration”) during construction of reasonably anticipated development under the Proposed Plan (see Draft EIR pages 4.11-41 to 4.11-46, 4.11-49 to 4.11-50).

*Adopted Mitigation Measure(s)*

To mitigate the above-described significant impacts, the City adopted the following mitigation measures in the Mitigation and Monitoring Plan (MMP):

- **MM NOI-7**
- **MM NOI-8**

Finding(s)

The City adopts the following findings for the above-described significant impacts:

- Finding 1
- Finding 3

Rationale for Finding

Implementation of **Mitigation Measures MM NOI-7** and **MM NOI-8** would document the physical condition of potentially affected structures, substantially reduce/control construction vibration, and provide a process for repair of vibration damage in the event it occurs. However, in the absence of construction details associated with specific projects and without knowing the proximity of construction activities to specific receptors, it is anticipated that construction vibration levels at certain particularly fragile adjacent buildings could exceed the thresholds of significance. Therefore, because it is unknown if there would be projects of the size necessary to cause a significant vibration impact adjacent to fragile buildings this impact is considered significant despite implementation of the above mitigation measures. No other feasible mitigation measures were identified.

Alternatives

None of the alternatives would reduce significant impacts related to temporary groundborne vibration during construction to a less than significant level. Alternatives 1 would result in less development and would result in less potential for construction activities to cause a significant vibration impact to adjacent buildings. Alternative 3 would be similar because the Los Angeles River area proposed for additional development is industrial and not sensitive to vibration. Alternative 2 would result in more development and therefore would have greater chances of impacting neighboring structures during construction-related activities. Alternative 4 would have greater impacts as mitigation measures would not be adopted. As discussed below in Section 2(E), the City rejects Alternatives 1, 2, 3, and 4.

Conclusions

No additional feasible mitigation measure or alternatives were identified to reduce the significant impacts for temporary ground-borne vibration impacts.

The City finds that changes or alterations have been required in, or incorporated into, the Proposed Project that substantially lessens the significant impact associated with temporary ground-borne vibration

impacts. However, impacts would be considered significant and unavoidable despite implementation of **Mitigation Measures MM NOI-7 through MM NOI-8**.

Based on the above, specific economic, legal, social, technological, or other considerations make it infeasible to apply mitigation measures or project alternatives in a manner that would reduce the Proposed Plan impacts related to temporary ground-borne vibration to a less than significant level.

### ***Public Services and Recreation***

#### **Existing Regional Parks or Recreation Facilities**

The following findings are for the Proposed Project impacts and cumulative impacts.

##### *Description of Significant Effect(s)*

The Proposed Plan would result in significant unavoidable project and cumulative impacts related to physical deterioration of parks and recreational facilities (see Draft EIR pages 4.13-70 to 4.13-73, 4.13-75).

##### *Adopted Mitigation Measure(s)*

No feasible mitigation measures have been identified that could reduce the significant impacts to the physical deterioration of parks and recreational facilities.

##### *Finding(s)*

The City adopts the following findings for the above-described significant impacts:

- Finding 3

##### *Rationale for Finding*

##### *Mitigation*

Several constraints limit the number and size of new park facilities constructed in the Plan Area and the City, including a scarcity of vacant or underused land; high cost of real estate throughout the City; and competition with other identified community priorities, such as affordable housing. The City has conducted various studies such as the Citywide Community Needs Assessment<sup>2</sup> to address issues with

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<sup>2</sup> City of Los Angeles, Department of Recreation and Parks, *2009 Citywide Community Needs Assessment*. Available online at: <https://www.laparks.org/sites/default/files/projects/2009%20Community%20Needs%20Assessment%20-%20Final.pdf>. Accessed on July 19, 2023.

recreational facilities and manage the status of current and future recreational facilities. The Quimby Act requires developers of residential projects (except affordable housing units and second dwelling units) to dedicate land for park and recreation purposes, or pay a fee in lieu thereof, prior to obtaining a permit. The City collects fees, requires open space under updated fee and Quimby program, but there is not adequate land at reasonable costs to meet the City's park needs. Therefore, mitigation measures beyond the policies and initiatives included in current City policies/programs and the Proposed Plan to enhance recreational opportunities are not feasible.

*Alternatives*

None of the alternatives studied in the EIR would reduce significant impacts related to existing parks and recreational facilities to a less than significant level. Alternatives 1 and 4 would result in less development and therefore a lesser impact on the deterioration of existing parks, but significant and unavoidable impacts could still occur. Alternative 2 and 3 would result in greater development and therefore deterioration would occur at a faster rate. As discussed below in Section 2(E), the City rejects Alternatives 1, 2, 3, and 4.

*Conclusions*

No feasible alternative or mitigation measures were identified to reduce impacts to existing parks and recreational facilities from the Proposed Plan to less than significant.

Based on the above, specific economic, legal, social, technological, or other considerations make it infeasible to apply mitigation measures or project alternatives in a manner that would reduce the Proposed Plan and cumulative impacts related to deterioration of parks and recreational facilities to a less than significant level.

***Transportation and Traffic***

**Design Feature Hazards – Ramp Queuing Safety Issues**

The following findings are for the Proposed Project impacts and cumulative impacts.

*Description of Significant Effect(s)*

The Proposed Plan would result in significant and unavoidable project and cumulative impacts related to off ramp queuing on State highway facilities (see Draft EIR pages 4.14-53 to 4.14-56, 4.14-68 to 4.14-69).

*Adopted Mitigation Measure(s)*

No feasible mitigation measures have been identified that could reduce the significant impacts related to off ramp queuing on State highway facilities.

*Finding(s)*

The City adopts the following findings for the above-described significant impacts:

- Finding 3

*Rationale for Finding*

*Mitigation*

Significant and unavoidable impacts have been identified in relation to the potential for project-specific ramp queuing safety impacts as growth occurs pursuant to the Proposed Plan. Potential mitigation may include transportation demand management strategies to reduce a project's trip generation, investments to active transportation infrastructure, or transit system amenities, and/or operational changes to the ramp terminal such as lane reassignment, traffic signalization, signal phasing or timing modifications, etc. However, without specific information on where safety impacts may occur as a result of freeway off ramp queuing, it is not possible to identify appropriate mitigation measures.

Currently, there is no identified State plan or project to implement any improvements to these State facilities, nor is there a financing plan in place to fund the improvements for impacts resulting from jurisdictions outside the City or existing deficiencies. In a comment letter, Caltrans suggested the City implement a fee program on the State facilities. However, such improvements would be outside of the City's jurisdiction as State facilities are maintained and controlled by the State. In addition, there is no substantial evidence provided that a fee could mitigate the significant impact to a less than significant level. As individual projects are identified, the City will work with Caltrans to identify project specific mitigation measures as appropriate. In such a context, under the Mitigation Fee Act, it is not feasible for the City to adopt local fees for its share of impacts to State facilities.

Therefore, no feasible mitigation can be identified for the Boyle Heights CPA. It is anticipated that subsequent land use development projects that are seeking approval under the Proposed Plan will be required to study freeway queuing and safety impacts in more detail per the Interim Guidance for Freeway Safety Analysis.

*Alternatives*

None of the alternatives studied in the EIR would reduce significant impacts related to ramp queuing safety to a less than significant level. Alternatives 1 and 4 would result in less development and would result in reduced vehicle queuing at freeway ramps compared to the Proposed Plans. Alternative 2 and 3 would result in more development and therefore would have increased queuing at freeway ramps. As discussed below in Section 2(E), the City rejects Alternatives 1, 2, 3, and 4.

*Conclusions*

No feasible alternative or mitigation measures were identified to reduce impacts related to highway safety as a result of design features or incompatible uses from the Proposed Plan to less than significant.

Based on the above, specific economic, legal, social, technological, or other considerations make it infeasible to apply mitigation measures or project alternatives in a manner that would reduce the Proposed Plan and cumulative impacts to highway safety to a less than significant level.

**C. Findings for Environmental Impacts Found to be Less than Significant After Mitigation**

The EIR identifies significant impacts that are reduced to a “less than significant” level by the imposition of mitigation measures identified in the EIR.

For each significant impact discussed below, the City adopts the following findings:

**Finding 1:** Changes or alterations have been required in, or incorporated into, the Proposed Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

***Air Quality***

**Sensitive Receptors**

The following findings are for the Proposed Project impacts and cumulative impacts.

*Description of Significant Effect(s)*

The Proposed Plan would result in TAC-related impacts associated with construction that are reduced to less than significant level by the inclusion of **Mitigation Measures MM AQ-1** through **MM AQ-8** (see Draft EIR pages 4.2-39 to 4.2-53).

*Adopted Mitigation Measure(s)*

To mitigate the above-described significant impacts, the City adopted the following mitigation measures in the Mitigation and Monitoring Plan (MMP):

- **MM AQ-1** through **MM AQ-8**

*Finding(s)*

The City adopts the following findings for the above-described significant impacts:

- Finding 1

*Rationale for Finding*

*Mitigation*

Application of **Mitigation Measures MM AQ-1** through **MM AQ-8** would reduce criteria pollutant and TAC emissions generated by construction activities, including equipment operation to less than significant levels (see DEIR at 4.2-55 to 56 and 4.2-62.)

*Alternatives*

Alternative 1 and 4 would have less development overall than the Proposed Project but would still have potentially significant impacts before mitigation. Alternatives 2 and 3 would have more overall development and would have greater level of potentially significant impacts before mitigation. **Mitigation Measures MM AQ-1** to **MM AQ-8** would be assumed to apply to Alternatives 1, 2, and 3, which would anticipate to reduce impacts to less than significant for all three alternatives. The mitigation measures would not apply to Alternative 4, the no project alternative, which would have significant and unavoidable impacts.

*Conclusions*

The City finds that changes or alterations have been required in, or incorporated into, the Proposed Project that would reduce significant environmental effects associated with a criteria pollutants and TAC emissions generated by construction activities associated with the Proposed Plan to a less than significant level.

***Cultural Resources***

**Archaeological Resources**

The following findings are for the Proposed Project impacts and cumulative impacts.

Description of Significant Effect(s)

The Proposed Plan would result in significant impacts related to substantial adverse changes in or disturbance of known or unknown archeological resources that is reduced to less than significant level by the inclusion of **Mitigation Measures MM CR-1** through **MM CR-3** (see Draft EIR pages 4.4-40 to 4.4-47, 4.4-49).

Adopted Mitigation Measure(s)

To mitigate the above-described significant impacts, the City adopted the following mitigation measures in the Mitigation and Monitoring Plan (MMP):

- **MM CR-1**
- **MM CR-2**
- **MM CR-3**

Finding(s)

The City adopts the following findings for the above-described significant impacts:

- Finding 1

Rationale for Finding

*Mitigation*

Implementation of **Mitigation Measures MM CR-1** through **MM CR-3**, would avoid significant direct impacts to archaeological resources to the maximum extent feasible and provide for recovery and/or documentation of any significant resources, including any present portions of the Zanja Madre, that cannot be preserved in place. With mitigation, significant archaeological resources would be preserved and impacts to archaeological resources would be less than significant with mitigation.

*Alternatives*

Alternative 1 and 4 would have less development overall than the Proposed Project but would still have potentially significant impacts before mitigation. Alternatives 2 and 3 would have more overall development and would have greater level of potentially significant impacts before mitigation. **Mitigation Measures MM CR-1** to **MM CR-3** would be assumed to apply to Alternatives 1, 2, and 3, which would reduce impacts to less than significant for all three alternatives. The mitigation measures would not apply to Alternative 4, the no project alternative, which would have significant and unavoidable impacts.

Conclusions

The City finds that changes or alterations have been required in, or incorporated into, the Proposed Project that would reduce significant environmental effects associated with a substantial adverse change in or disturbance of known or unknown archaeological resources from the Proposed Plan to a less than significant level.

***Geology and Soils***

**Paleontological Resources**

The following findings are for the Proposed Project impacts and cumulative impacts.

Description of Significant Effect(s)

The Proposed Plan would result in significant impacts associated with directly or indirectly destroying a unique paleontological resource or site. The impacts would be reduced to a less than significant level by the inclusion of **Mitigation Measures MM GEO-1** through **MM GEO-3** (see Draft EIR pages 4.6-35 to 4.6-39).

Adopted Mitigation Measure(s)

To mitigate the above-described significant impacts, the City adopted the following mitigation measures in the Mitigation and Monitoring Plan (MMP):

- **MM GEO-1**
- **MM GEO-2**
- **MM GEO-3**

Finding(s)

The City adopts the following findings for the above-described significant impacts:

- Finding 1

Rationale for Finding

Implementation of **Mitigation Measures MM GEO-1** through **MM GEO-3**, would reduce impacts to paleontological resources to less than significant levels by ensuring that potential resources are identified and either avoided or recovered.

Alternatives

Alternative 1 and 4 would have less development overall than the Proposed Project but would still have potentially significant impacts before mitigation. Alternatives 2 and 3 would have more overall development and would have greater level of potentially significant impacts before mitigation. **Mitigation Measures MM GEO-1 to MM GEO-3** would be assumed to apply to Alternatives 1, 2, and 3, which would reduce impacts to less than significant for all three alternatives. The mitigation measures would not apply to Alternative 4, the no project alternative, which would have significant and unavoidable impacts.

Conclusions

The City finds that changes or alterations have been required in, or incorporated into, the Proposed Project that would reduce significant environmental effects associated with a substantial adverse change in or disturbance of known or unknown paleontological resources from the Proposed Plan to a less than significant level.

***Hazards and Hazardous Materials***

**Hazardous Materials Transport, Use, Disposal**

The following findings are for the Proposed Project impacts and cumulative impacts.

Description of Significant Effect(s)

The Proposed Plan would result in significant impacts associated with construction within the CPA creating a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. Future demolition and construction activities would have the potential to result in exposure to hazardous materials. The impacts would be reduced to a less than significant level by the inclusion of **Mitigation Measures MM HAZ-1 through MM HAZ-3** (see Draft EIR pages 4.8-56 to 4.8-62, 4.8-72).

Adopted Mitigation Measure(s)

To mitigate the above-described significant impacts, the City adopted the following mitigation measures in the Mitigation and Monitoring Plan (MMP):

- **MM HAZ-1**
- **MM HAZ-2**
- **MM HAZ-3**

Finding(s)

The City adopts the following findings for the above-described significant impacts:

- Finding 1

Rationale for Finding

*Mitigation*

Implementation of **Mitigation Measures HAZ-1** through **MM HAZ-3**, would reduce impacts associated with hazards and hazardous materials to less than significant levels by ensuring that applicants are put on notice of the need to determine if there is contamination on site and avoid impacts that may result from lack of detection and compliance with federal and state laws in abating hazardous contamination.

*Alternatives*

**Mitigation Measures MM HAZ-1** to **MM HAZ-3** would be assumed to apply to Alternatives 1, 2, and 3, which would reduce impacts to less than significant for all three alternatives. The mitigation measures would not apply to Alternative 4, the no project alternative, which would have significant and unavoidable impacts.

*Conclusions*

The City finds that changes or alterations have been required in, or incorporated into, the Proposed Project that would reduce significant environmental effects associated with the potential to create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials within the Proposed Plan to a less than significant level.

**Hazardous Materials Upset or Accident**

The following findings are for the Proposed Project impacts and cumulative impacts.

Description of Significant Effect(s)

The Proposed Plan would result in significant impacts associated with future grading and construction of existing contaminated sites. Construction activity that disturbs soil or groundwater could have the potential to result in the release of previously unidentified hazardous materials, which could adversely affect construction workers and/or neighboring properties. The impacts would be reduced to less than

significant level by the inclusion of **Mitigation Measures MM HAZ-1** through **MM HAZ-3** (see Draft EIR pages 4.8-62 to 4.8-66, 4.8-72 to 4.8-73).

*Adopted Mitigation Measure(s)*

To mitigate the above-described significant impacts, the City adopted the following mitigation measures in the Mitigation and Monitoring Plan (MMP):

- **MM HAZ-1**
- **MM HAZ-2**
- **MM HAZ-3**

*Finding(s)*

The City adopts the following findings for the above-described significant impacts:

- Finding 1

*Rationale for Finding*

*Mitigation*

Implementation of **Mitigation Measures HAZ-1** through **MM HAZ-3**, would reduce impacts associated with hazards and hazardous materials to less than significant levels by ensuring that applicants are put on notice of the need to determine if there is contamination on site and avoid impacts that may result from lack of detection, and compliance with state and federal requirements related to hazardous materials.

*Alternatives*

**Mitigation Measures HAZ-1** to **MM HAZ-3** would be assumed to apply to Alternatives 1, 2, and 3, which would reduce impacts to less than significant for all three alternatives. The mitigation measures would not apply to Alternative 4, the no project alternative, which would have significant and unavoidable impacts.

*Conclusions*

The City finds that changes or alterations have been required in, or incorporated into, the Proposed Project that would reduce significant environmental effects associated with the potential to create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions within the Proposed Plan to a less than significant level.

### Hazards within 0.25-Mile of a School

The following findings are for the Proposed Project impacts and cumulative impacts.

#### Description of Significant Effect(s)

The Proposed Plan would result in significant impacts associated with future grading and construction of existing contaminated sites. Construction activity that disturbs soil or groundwater could have the potential to result in the release of previously unidentified hazardous materials within 0.25 miles of a school. The impacts would be reduced to a less than significant level by the inclusion of **Mitigation Measures MM HAZ-1 through MM HAZ-3** (see Draft EIR pages 4.8-66 to 4.8-67, 4.8-73).

#### Adopted Mitigation Measure(s)

To mitigate the above-described significant impacts, the City adopted the following mitigation measures in the Mitigation and Monitoring Plan (MMP):

- **MM HAZ-1**
- **MM HAZ-2**
- **MM HAZ-3**

#### Finding(s)

The City adopts the following findings for the above-described significant impacts:

- Finding 1

#### Rationale for Finding

#### *Mitigation*

Implementation of **Mitigation Measures HAZ-1 through MM HAZ-3**, would reduce impacts to schools to a less than significant level by ensuring the identification and, as necessary, remediation of soil and/or groundwater contamination prior to excavation or grading on properties within 0.25 mile of schools.

#### Alternatives

**Mitigation Measures HAZ-1 to MM HAZ-3** would be assumed to apply to Alternatives 1, 2, and 3, which would reduce impacts to less than significant for all three alternatives. The mitigation measures would not apply to Alternative 4, the no project alternative, which would have significant and unavoidable impacts.

Conclusions

The City finds that changes or alterations have been required in, or incorporated into, the Proposed Project that would reduce significant environmental effects associated with the potential to create emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 0.25-mile of an existing or proposed school within the Proposed Plan to a less than significant level.

**Hazardous Materials Sites**

The following findings are for the Proposed Project impacts and cumulative impacts.

Description of Significant Effect(s)

The Proposed Plan would result in significant impacts associated with future grading and construction of existing contaminated sites. Construction activity that disturbs soil or groundwater could result in exposure to construction workers and occupants of neighboring properties to the release of hazardous materials. The impacts would be reduced to a less than significant level by the inclusion of **Mitigation Measures MM HAZ-1** through **MM HAZ-3** (see Draft EIR pages 4.8-68 to 4.8-69, 4.8-74).

Adopted Mitigation Measure(s)

To mitigate the above-described significant impacts, the City adopted the following mitigation measures in the Mitigation and Monitoring Plan (MMP):

- **MM HAZ-1**
- **MM HAZ-2**
- **MM HAZ-3**

Finding(s)

The City adopts the following findings for the above-described significant impacts:

- Finding 1

Rationale for Finding

*Mitigation*

Implementation of **Mitigation Measures MM HAZ-1** through **MM HAZ-3**, would reduce impacts to a less than significant level by ensuring identification of properties listed on a hazardous materials sites compiled

pursuant to Government Code Section 65962.5, and any contamination is adequately remediated to federal and state standards.

Alternatives

**Mitigation Measures MM HAZ-1 to MM HAZ-3** would be assumed to apply to Alternatives 1, 2, and 3, which would reduce impacts to less than significant for all three alternatives. The mitigation measures would not apply to Alternative 4, the no project alternative, which would have significant and unavoidable impacts.

Conclusions

The City finds that changes or alterations have been required in, or incorporated into, the Proposed Project that would reduce significant environmental effects associated with the development of site which are included on a list of hazardous materials sites pursuant to Government Code Section 65962.5 within the Proposed Plan to a less than significant level.

***Tribal Cultural Resources***

**Tribal Resources**

The following findings are for the Proposed Project impacts and cumulative impacts.

Description of Significant Effect(s)

The Proposed Plan could result in significant impacts to tribal cultural resources. Grading and excavation of individual development projects that disturb previously undisturbed soils could potentially encounter intact tribal cultural resources within the CPA. The impacts would be reduced to a less than significant level by the inclusion of **Mitigation Measures MM TC-1 through MM TC-2, and MM CR-1 through MM CR-3** (see Draft EIR pages 4.15-8 to 4.15-14).

Adopted Mitigation Measure(s)

To mitigate the above-described significant impacts, the City adopted the following mitigation measures in the Mitigation and Monitoring Plan (MMP):

- MM TC-1
- MM TC-2
- MM CR-1
- MM CR-2
- MM CR-3

Finding(s)

The City adopts the following findings for the above-described significant impacts:

- Finding 1

Rationale for Finding

*Mitigation*

Implementation of **Mitigation Measures MM TC-1, MM TC-2, and MM CR-1 through MM CR-3**, would reduce impacts to tribal cultural resources to a less than significant level by requiring a process to identify and, if necessary, avoid and/or recover identified tribal cultural resources throughout the Boyle Heights CPA, including areas where resources have been previously identified.

*Alternatives*

Alternatives 1 and 4 would result in less development and would result in less potential to encounter tribal cultural resources. Alternative 2 and 3 would result in more development and therefore would have greater chances of encountering tribal cultural resources during construction-related activities. **Mitigation Measures MM CR-1 to MM CR-3 and MM TR-1 to MM TR-3** would be assumed to apply to Alternatives 1, 2, and 3, which would reduce impacts to less than significant for all three alternatives. The mitigation measures would not apply to Alternative 4, the no project alternative, which would have significant and unavoidable impacts.

*Conclusions*

The City finds that changes or alterations have been required in, or incorporated into, the Proposed Project that would reduce significant environmental effects to tribal cultural resources within the Proposed Plan to a less than significant level.

**D. Findings for Environmental Impacts Found to be Less than Significant or No Impact**

Based on the EIR, the City finds the Proposed Project, inclusive of the future development within the scope of the EIR, to have less than significant impacts, or no impacts, without mitigation to all other significant impacts not identified in Section 2(B) and 2(C), including the following:

*Aesthetics*

- **Scenic Vistas** (Draft EIR pages 4.1-38 to 4.1-43): Less than significant impact.

- **Scenic Resources within State Scenic Highway** (Draft EIR pages 4.1-38 to 4.1-44): No impact.
- **Scenic Quality Zoning and Regulations** (Draft EIR pages 4.1-44 to 4.1-52): Less than significant impact.
- **Light and Glare** (Draft EIR pages 4.1-52 to 4.1-54): Less than significant impact.
- **Cumulative Impacts** (Draft EIR pages 4.1-54 to 4.1-56): Less than significant impact.

### *Agriculture and Forestry Resources*

- **Conversion of Farmland to Non-Agricultural Uses** (Draft EIR pages 7.0-1 to 7.0-2): No impact.
- **Conflict with Agricultural Zoning or Williamson Act** (Draft EIR pages 7.0-1 to 7.0-2): No impact.
- **Conflict with Zoning or Cuse Rezoning of Forest Land** (Draft EIR pages 7.0-1 to 7.0-2): No impact.
- **Loss or Conversion of Forest Land** (Draft EIR pages 7.0-1 to 7.0-2): No impact.
- **Other Changes Resulting in Conversion of Farmland of Forest Land** (Draft EIR pages 7.0-1 to 7.0-2): No impact.

### *Air Quality*

- **Air Quality Plan** (Draft EIR pages 4.2-35 to 4.3-39): Less than significant impact.
- **Odors** (Draft EIR pages 4.2-64 to 4.2-65): Less than significant impact.
- **Cumulative Impacts** (Draft EIR pages 4.2-65 to 4.2-67): Less than significant impact (Air Quality Plan and Odor).

### *Biological Resources*

- **Special Status Species Habitat** (Draft EIR pages 4.3-34 to 4.1-37): Less than significant impact.
- **Riparian Habitat** (Draft EIR pages 4.3-37 to 4.1-39): Less than significant impact.
- **Wetlands** (Draft EIR pages 4.3-39 to 4.1-40): Less than significant impact.
- **Migratory Wildlife** (Draft EIR pages 4.3-40): Less than significant impact.
- **Local Policies and Ordinances** (Draft EIR pages 4.3-41 to 4.1-43): Less than significant impact.

- **Habitat Conservation Plan** (Draft EIR pages 4.3-43): No impact.
- **Cumulative Impacts** (Draft EIR pages 4.3-43 to 4.1-45): Less than significant impact.

### *Cultural Resources*

- **Human Remains** (Draft EIR pages 4.4-47 to 4.4-48): Less than significant impact.
- **Cumulative Impact** (Draft EIR pages 4.4-48 to 4.4-49): (Human Remains).

### *Energy*

- **Inefficient Energy Consumption** (Draft EIR pages 4.5-34 to 4.5-45): Less than significant impact.
- **Renewable Energy/Energy Efficiency Plan** (Draft EIR pages 4.5-42 to 4.5-43): Less than significant impact.
- **Cumulative Impact** (Draft EIR pages 4.5-43 to 4.5-44): Less than significant impact.

### *Geology and Soils*

- **Earthquake Fault** (Draft EIR pages 4.6-27 to 4.6-29): Less than significant impact.
- **Seismic Ground Shaking** (Draft EIR pages 4.6-29 to 4.6-30): Less than significant impact.
- **Seismicity** (Draft EIR pages 4.6-30 to 4.6-31): Less than significant impact.
- **Soil Erosion** (Draft EIR pages 4.6-31 to 4.6-32): Less than significant impact.
- **Unstable Soils** (Draft EIR pages 4.6-32 to 4.6-33): Less than significant impact.
- **Expansive Soil** (Draft EIR pages 4.6-34): Less than significant impact.
- **Septic Tanks** (Draft EIR pages 4.6-34 to 4.6-35): No impact.
- **Cumulative Impact** (Draft EIR Pages 4.6-38 to 4.6-39): Less than significant impact (Geology and Soils).

### *Greenhouse Gas Emissions*

- **Plans, Policies, and Regulations** (Draft EIR pages 4.7-52 to 4.7-75): Less than significant impact.
- **Cumulative Impact** (Draft EIR pages 4.7-52 to 4.7-75): Less than significant impact.

### ***Hazards and Hazardous Materials***

- **Hazardous Materials Transport, Use, Disposal** (Draft EIR pages 4.8-56 to 4.8-62): Less than significant impact (Operations).
- **Public Airport** (Draft EIR pages 4.8-69 to 4.8-70): No impact.
- **Emergency Response Plans** (Draft EIR pages 4.8-70 to 4.8-71): Less than significant impact.
- **Wildland Fires** (Draft EIR pages 4.8-71 to 4.8-72): Less than significant impact.
- **Cumulative Impact** (Draft EIR pages 4.8-72 to 4.8-74): No Impact (Public Airport). Less than significant impact (Emergency Response Plans, and Wildland Fires).

### ***Hydrology and Water Quality***

- **Groundwater Quality/Discharge Requirements** (Draft EIR pages 4.9-37 to 4.9-41): Less than significant impact.
- **Groundwater** (Draft EIR pages 4.9-41 to 4.9-43): Less than significant impact.
- **Drainage – Erosion, Runoff, Flooding** (Draft EIR pages 4.9-43 to 4.9-46): Less than significant impact.
- **Pollutants** (Draft EIR pages 4.9-46 to 4.9-48): Less than significant impact.
- **Water Quality Plans and Policy Consistency** (Draft EIR pages 4.9-48): Less than significant impact.
- **Cumulative Impact** (Draft EIR pages 4.9-49 to 4.9-52): Less than significant impact.

### ***Land Use and Planning***

- **Physically Divide a Community** (Draft EIR pages 4.10-19 to 4.10-21): No impact.
- **Land Use Plan and Policy Consistency** (Draft EIR pages 4.10-21 to 4.10-30): Less than significant impact.
- **Cumulative Impact** (Draft EIR pages 4.10-31): Less than significant impact.

### ***Mineral Resources***

- **Loss of Known Mineral Resource** (Draft EIR pages 7.0-2 to 7.0-5): No impact.

- **Loss of Mineral Resource Recovery Site** (Draft EIR pages 7.0-2 to 7.0-5): No impact.

### *Noise and Vibration*

- **Noise Levels - Operational** (Draft EIR pages 4.11-27 to 4.11-37): Less than significant impact.
- **Ground-borne Vibrations – Operational** (Draft EIR pages 4.11-41 to 4.11-42): Less than significant impact.
- **Private Airstrip** (Draft EIR pages 4.11-46 to 4.11-47): No impact.
- **Cumulative Impact** (Draft EIR pages 4.11-47 to 4.11-50): Less than significant impact (Noise Levels – Operational, Ground-borne Vibrations – Operational). No impact (Private Airstrip).

### *Population, Housing, and Employment*

- **Induce Substantial Population Growth** (Draft EIR pages 4.12-26 to 4.12-32): Less than significant impact.
- **Displacement of Existing People or Housing** (Draft EIR pages 4.12-32 to 4.12-35): Less than significant impact.
- **Cumulative Impact** (Draft EIR pages 4.12-35 to 4.12-36): Less than significant impact.

### *Public Services and Recreation*

- **Fire Protection** (Draft EIR pages 4.13-18 to 4.13-23): Less than significant impact.
- **Police Protection** (Draft EIR pages 4.13-31 to 4.13-33): Less than significant impact.
- **Public Schools** (Draft EIR pages 4.13-46 to 4.13-49): Less than significant impact.
- **Library** (Draft EIR pages 4.13-56 to 4.13-57): Less than significant impact.
- **Recreational and Governmental Facilities** (Draft EIR pages 4.13-73 to 4.13-75): Less than significant impact.
- **Cumulative Impact** (Draft EIR pages 4.13-22 to 4.13-23, 4.13-33 to 4.13-34, 4.13-49, 4.13-57, 4.13-75 to 4.13-76): Less than significant impact (Fire Protection, Police Protection, Public Schools, Library, and Recreational and Governmental Facilities).

### ***Transportation and Traffic***

- **Circulation System Programs and Policy** (Draft EIR pages 4.14-51 to 4.14-52): Less than significant impact.
- **CEQA Guidelines** (Draft EIR pages 4.14-52 to 4.14-53): Less than significant impact.
- **Emergency Access** (Draft EIR pages 4.14-56 to 4.14-67): Less than significant impact.
- **Cumulative Impact** (Draft EIR pages 4.14-67 to 4.14-69): Less than significant impact (Circulation System Programs and Policy, *State CEQA Guidelines*, and Emergency Access).

### ***Utilities and Service Systems***

- **Water Facilities** (Draft EIR pages 4.16-29 to 4.16-33): Less than significant impact.
- **Water Supply** (Draft EIR pages 4.16-33 to 4.16-37): Less than significant impact.
- **Wastewater Facilities and Wastewater Treatment** (Draft EIR pages 4.16-57 to 4.16-61): Less than significant impact.
- **Stormwater Drainage** (Draft EIR pages 4.16-61 to 4.16-62): Less than significant impact.
- **Solid Waste Standards and Capacity** (Draft EIR pages 4.16-75 to 4.16-76): Less than significant impact.
- **Solid Waste Statutes and Regulations** (Draft EIR pages 4.16-76 to 4.16-77): Less than significant impact.
- **Electric Power, Natural Gas, or Telecommunications Facilities** (Draft EIR pages 4.16-85 to 4.16-87): Less than significant impact.
- **Cumulative Impact** (Draft EIR pages 4.16-37 to 4.16-39, 4.16-62 to 4.16-64, 4.16-77 to 4.16-78, 4.16-87 to 4.16-88): Less than significant impact.

### ***Wildfire***

- **Emergency Response/Evacuation Plan** (Draft EIR pages 7.0-5): No impact.
- **Slope, Prevailing Winds, Flooding, and Landslides** (Draft EIR pages 7.0-5): No impact.
- **Installation Maintenance of Associated Infrastructure** (Draft EIR pages 7.0-5): No impact.

- **Expose People or Structures to Risk of Loss, Injury, or Death** (Draft EIR pages 7.0-5): No impact.

## **E. Findings for Alternatives to the Project**

### *Underlying Purpose and Project Objectives*

The underlying purpose and project objectives of the Boyle Heights Community Plan Update, as discussed in the EIR (**Section 3.0, Project Description**), are stated below. In accordance with *State CEQA Guidelines* Section 15124(b), the specific project objectives identified below support the underlying purpose of the Proposed Project, assist the City as Lead Agency in developing a reasonable range of alternatives to evaluate in the EIR, and ultimately aid the decision maker in preparing findings, and if necessary, a statement of overriding considerations.

#### **Underlying Purpose**

The underlying purpose of the Proposed Plan is to plan for and accommodate foreseeable growth in the City, including the Project Area, consistent with the growth strategies of the City as provided in the Framework Element, as well as the policies of SB 375 and the Southern California Association of Governments (SCAG) Regional Transportation Plan / Sustainable Communities Strategy (RTP/SCS).

#### **Primary Objectives**

- Accommodate projected population, housing, and employment growth and focus growth into Framework identified centers and corridors located near transit, through a diverse range of housing typologies and income levels to discourage the displacement of existing residents and communities;
- Reduce greenhouse gas emissions and promote enhanced multi-modal transportation opportunities for bicyclists, pedestrians and transit users. Reduce vehicle miles traveled to meet the requirements of Senate Bill 375, Senate Bill 743, and California Assembly Bill 32;
- Maintain existing affordable housing units and promote the creation of more affordable housing units for residents with incomes below the Area Median Income (AMI);
- Strengthen vibrant mixed-use areas near transit that encourage a strong jobs/housing balance and support increased ridership, and walkability;
- Preserve community character and neighborhood identity by strengthening and maintaining traditional character of notable residential and commercial neighborhoods and preserving stable low-density neighborhoods;

- Promote a mix of compatible land uses that foster sustainability, equity, and healthy living; and
- Support sustainable urban design strategies that positively contribute to an urban tree canopy across the entire plan area and that support publicly accessible open space as the area evolves.

### **Secondary Objectives**

- Foster a safe, healthy, and environmentally sustainable region that increases access to healthy foods and healthcare services and promotes recreational open space and linkages with safe routes to schools and other routes that link people to public facilities and recreational open spaces;
- Support jobs-producing uses by maintaining industrially planned lands for employment generating uses and increase the opportunity for small business and jobs located in transit station areas and along connecting corridors;
- Improve the function and design of neighborhoods throughout the CPA by promoting a diversity of neighborhood serving uses near residential areas, discouraging a proliferation of auto related uses along pedestrian corridors, and enhancing pedestrian-oriented design along corridors;
- Provide a variety of mobility options and optimize bus transit, while enhancing cyclist and pedestrian access on identified corridors and facilitating the shared use of streets and alleys in residential areas;
- Improve consistency between land use and zoning regulations, where needed;
- Implement the new zoning code districts and rules as applicable to this geography, through the adoption of the Boyle Heights Community Plan; and
- Support public infrastructure improvements consistent with other City department and public agencies.

### ***Alternatives***

Based on the whole of the administrative record, the City finds that the EIR analyzes a reasonable range of project alternatives that would feasibly attain some of the objectives of the Proposed Project, as described in **Section 5.0, Alternatives**, of the Draft EIR. The four alternatives analyzed in the EIR are described and rejected as follows:

**Alternative 1 – Low Transit Oriented Development Potential (Draft EIR pages 5.0-6 to 5.0-24)**

*Description of Alternative*

The Low Transit Oriented Development Potential (Alternative 1) assumes that future planned growth and mixed-use development is focused along the corridors instead of in the transit nodes near the Metro E Line stations (previously L Line). In comparison to the Proposed Plan, Alternative 1 would reduce the development potential near the Soto Street and Indiana E Line stations by maintaining the FAR and density permitted by the existing zoning. In the blocks surrounding the Indiana Street Station, the zoning would be proposed with a 1/2000 density, in lieu of the proposed 1/800 density under the Proposed Plan. In the blocks surrounding the Soto Street E Line Station, primarily from Cesar Chavez Avenue to 4<sup>th</sup> Street, and St. Louis Street to Mott Street, the proposed zoning would reflect existing zoning regulations, which currently allow a combination of 1/1500, 1/800, and 1/400 densities in lieu of the proposed 1/600 density under the Proposed Plan. This Alternative would also maintain the existing land use designation and zoning around the Pico/Aliso transit node (1.5:1 FAR and Light Industrial land use designation) in lieu of the proposed 1.5:1 Base and 4:0:1 Bonus FAR, 1/400 density, and Commercial Mixed-Use zoning. Bonus FAR and density accessed through the Local Affordable Housing Incentive Program would continue to be available, and changes from Residential to Commercial Mixed Use would still occur along certain corridors throughout the CPA. The decreases in intensity of the transit nodes reduces the expected development in these areas of CPA, reducing the overall reasonably expected development.

*Impact Summary*

Alternative 1 would accommodate less development overall and thus accommodate less growth in the Boyle Heights CPA, as compared to the Proposed Plan. Due to the overall lower development potential under Alternative 1 in comparison to the Proposed Plan, fewer historical resources are likely to be disturbed, and impacts related to historical resources would be less than that of the Proposed Plan. Similarly, reduced development potential under Alternative 1 compared to the Proposed Plan, would result in lesser impacts related to construction and operational air quality and noise, construction vibration, and deterioration of existing parks. Nevertheless, despite accommodating less development potential as compared to the Proposed Plan, Alternative 1 would result in the same impact conclusions as the Proposed Plan in most impact categories. However, Alternative 1 would result in a significant VMT impact that the Proposed Plan would not have. Therefore, the following significant unavoidable impacts from the Proposed Plan would result under Alternative 1: historical resources, air quality, construction noise and vibration, transportation safety impacts related to freeway off-ramp queuing, VMT, and recreational facilities.

Finding(s)

It is found pursuant to PRC Section 21081(a)(3) and *State CEQA Guidelines* Section 15091(a)(3), that specific economic, legal, social, technological, or other considerations, make the Low Transit Oriented Development Alternative (Alternative 1) infeasible. Therefore, the City finds that this alternative is infeasible and less desirable than the Proposed Project and rejects this alternative for any one, some, or all, of the following reasons:

- Alternative 1 would have significant unavoidable impacts to VMT.
- Alternative 1 would not meet the Primary Objective to promote enhanced multi-modal transportation opportunities and reduce VMT and promote mixed-use areas near transit t due to the reduction in transit-oriented development in comparison to the Proposed Plan.
- Alternative 1 would reduce regional VMT to a lesser degree than the Proposed Plan since the lower overall development totals, particularly near transit station, may result in increased development elsewhere in the City and incrementally higher regional VMT.
- Alternative 1 would only partially meet the Primary Objective of focusing population, housing, and employment growth near transit served centers and corridors in a sustainable, equitable, healthy, and inclusive manner to discourage the displacement of existing residents and communities.
- Alternative 1 would meet the Framework Element's objective degree related to concentrating development in areas with access to transit to a lesser than the Proposed Plan due to the reduced overall development totals.

**Alternative 2 – High Transit Oriented Development Potential (Draft EIR pages 5.0-24 to 5.0-42)**

Description of Alternative

Alternative 2 would modify the Proposed Plan by allowing greater development potential around the following E Line transit stations: Soto, Pico/Aliso, and Indiana. Alternative 2 would allow a higher base FAR than the Proposed Plan (3:1 instead of 1.5:1 FAR) and the bonus FAR would increase to 4.5:1 as compared to 4:1 FAR. Additional density would be permitted in the blocks surrounding the Soto Street Metro Station, primarily from Cesar Chavez Avenue to 4<sup>th</sup> Street, and St. Louis Street to Mott Street, where 1/400 density would be permitted in lieu of the proposed 1/600. Additional density incentives within the TOD areas would increase development potential, and redevelopment would be more likely as a result of the delta

from existing regulations to proposed bonus regulations. Alternative 2 increases the total number of housing, population, and employment as compared to the Proposed Plan.

As shown in **Table 5.0-1**, under Alternative 2 the Boyle Heights CPA is projected to reach a population of 125,000 residents, 36,000 housing units, and 40,000 jobs by 2040. SCAG projects growth of the Boyle Heights CPA to reach 93,000 residents, 27,000 housing units, and 35,000 jobs by 2040. Therefore, Alternative 2 would accommodate SCAG's population, housing, and job growth forecasts in the Boyle Heights CPA. Alternative 2 would accommodate more overall development and associated growth than the Proposed Plan. Alternative 2 would result in 3,000 more housing units (+9%), 10,000 more persons (+9%), and 1,000 more jobs (+3%) through 2040 than the Proposed Plan.

*Impact Summary*

Alternative 2 would accommodate increased development overall compared to the Proposed Plan in the CPA. Alternative 2 would result in the same impact conclusions as the Proposed Plan in all impact categories. Unavoidable significant impacts under this alternative would occur with regards to historical resources, air quality (construction and operation), construction noise and vibration, recreational facilities, and traffic safety related to highway off-ramps, and due to higher overall development, these impacts would occur to a greater degree than under the Proposed Plan. VMT impacts and GHG impacts would remain less than significant and would be further improved by Alternative 2 compared to the Proposed Plan.

*Finding(s)*

It is found pursuant to PRC Section 21081(a)(3) and *State CEQA Guidelines* Section 15091(a)(3), that specific economic, legal, social, technological, or other considerations, make the High Transit Oriented Development Alternative (Alternative 2) infeasible. Therefore, the City finds that this alternative is infeasible and less desirable than the Proposed Project and rejects this alternative for any one, some, or all, of the following reasons:

- Alternative 2 would not avoid any significant unavoidable impact from the Proposed Plan.
- Alternative 2 would not meet the Primary Objective to preserve community character and neighborhood identity by allowing for increased density that may not be in context with the existing scale.

- Alternative 2 would result in greater significant impacts to historical resources, air quality (construction and operation), construction noise and vibration, recreational facilities, and traffic safety related to highway off-ramps due to the higher overall development.

**Alternative 3 – Land Use Mix (Draft EIR pages 5.0-42 to 5.0-24)**

*Description of Alternative*

The “Land Use Mix” Alternative was included based on public input on the Proposed Plan to consider mixed-use development along the western portion of the CPA near the Los Angeles River. Generally, this alternative would make the same recommendations as the Proposed Plan but would change the land use designations near the Los Angeles River-adjacent ‘riverside areas’ to Light Industrial, Hybrid Industrial, and Community Center. This alternative would permit mixed-use development in an area that the Proposed Plan designates and zones for industrial uses. From 3<sup>rd</sup> Street to 6<sup>th</sup> Street and Mission Road to Clarence Street, the proposed land use designation would change to Hybrid Industrial, and this area would be zoned with a 1.5:1 Base FAR and 3.0:1 Bonus FAR, with a density of 1/800. New residential construction would be permitted in this area, but a minimum of 1.0:1 FAR would be required for job-producing uses. Between 6<sup>th</sup> Street and 7<sup>th</sup> Street, Mission Road to Highway 101, the land use designation would be changed to Community Center, and the zoning would allow a 1.0:1 Base FAR with a 4.0:1 Bonus, and 1/400 density. These blocks would be zoned with a traditional mixed-use zone that permits residential and commercial uses but does not permit industrial uses. **Figure 5.0-1** shows the changes under the Land Use Mix Alternative compared to the Proposed Plan. Alternative 3 was included to inform decision makers and foster public participation in an alternative that could result in higher community benefits by allowing greater residential and commercial development in the Boyle Heights CPA.

*Impact Summary*

Alternative 3 would accommodate increased development overall compared to the Proposed Plan in the CPA. Since Alternative 3 would have greater overall development than the Proposed Plan, it would result in greater impacts to public services and utilities as these topic areas are largely driven by population and Alternative 3 would increase the number of housing units and population compared to the Proposed Plan. Alternative 3 would allow new housing opportunities in the area of the CPA closest to Downtown Los Angeles, which is a major employment center and transit hub for the wider region. Due to the proximity to Downtown Los Angeles and new infrastructure investments in the riverside area, specifically the new 6<sup>th</sup> Street Viaduct Replacement Project and 6<sup>th</sup> Street PARC Project, if Alternative 3 were to be adopted it is reasonably foreseeable that new housing development within the CPA would likely occur in the riverside area, which could lessen overall impacts to temporary construction (air quality and noise) in other areas of

the CPA. Alternative 3 would result in the same impact conclusions as the Proposed Plan in all impact categories. Unavoidable significant impacts under this alternative would occur with regards to historical resources, air quality, construction noise and vibration, recreational facilities, and traffic safety related to highway off-ramps. However, due to its more efficient land use, Alternative 3 would result in lesser impacts to VMT, land use, GHG, air quality, and energy.

*Finding(s)*

It is found pursuant to PRC Section 21081(a)(3) and *State CEQA Guidelines* Section 15091(a)(3), that specific economic, legal, social, technological, or other considerations, make the Land Use Mix Alternative (Alternative 3) infeasible. Therefore, the City finds that this alternative is infeasible and less desirable than the Proposed Project and rejects this alternative for any one, some, or all, of the following reasons:

- Alternative 3 would not avoid any of the significant unavoidable impacts from the Proposed Plan.
- Alternative 3 would not meet the Secondary Objective to support job-producing uses by maintaining industrially planned lands for employment generating uses. Although Alternative 3 would be generally consistent with most of the City's General Plan and Framework Element policies, Alternative 3 would not be consistent with the Framework Element's objective to provide land and supporting services for the retention of existing and attraction of new industries.

**Alternative 4 – No Project (Draft EIR pages 5.0-62 to 5.0-80)**

*Description of Alternative*

The No Project Alternative involves continued implementation of the existing 1998 Boyle Heights Community Plan. Under this alternative, the current 1998 Boyle Heights Community Plan would continue to apply, and existing plans and policies would continue to accommodate development in accordance with existing General Plan designations. This Alternative would assume that the Proposed Plan, new zoning designations, and the Boyle Heights CPIO, which includes a Local Affordable Housing Incentive Program and review procedures for projects that involve properties that have been identified as an eligible historical resource, are not adopted for Boyle Heights.

*Impact Summary*

Alternative 4 would include less development capacity overall and thus less growth in the Boyle Heights CPA, as compared to the Proposed Plan. Nevertheless, as with the Proposed Plan, Alternative 4 would result in significant impacts to: cumulatively considerable net increase of criteria pollutant (construction

NOx and operational/long-term VOC emissions), sensitive receptors from TACs related to distribution facilities, historic resources, ambient and ground-borne noise levels related to construction, deterioration of parks and recreational facilities, and safety impacts related to off-ramp queuing. Because this alternative would not be subject to mitigation measures proposed in the Proposed Plan, including the CPIO's review procedures for projects that involve properties that have been identified as an eligible historical resource, the level of impact would be greater than under the Proposed Plan despite the lower overall intensity of development in the Boyle Heights CPA under this alternative and would have additional significant and unavoidable impacts to archaeological, paleontological, conformance with state climate action goals, hazardous (contaminated sites), transportation (VMT) and tribal resources. In addition, limiting development potential in Boyle Heights may induce higher levels of growth in other areas of the City and region that have fewer transit options and longer distances between housing, jobs, and services. As such, Alternative 4 may incrementally increase related air pollutant and GHG emissions.

*Finding(s)*

It is found pursuant to PRC Section 21081(a)(3) and *State CEQA Guidelines* Section 15091(a)(3), that specific economic, legal, social, technological, or other considerations, make the No Project Alternative (Alternative 4) infeasible. Therefore, the City finds that this alternative is infeasible and less desirable than the Proposed Project and rejects this alternative for any one, some, or all, of the following reasons:

- Alternative 4 would not avoid any of the significant unavoidable impacts from the Proposed Plan.
- Alternative 4 would only partially meet the Primary Objective to accommodate projected population, housing, and employment growth.
- Alternative 4 would not meet the Primary Objectives to accommodate population growth into framework identified centers and corridors located near transit and strengthening vibrant mixed-use areas near transit that encourage a strong jobs/housing balance and support increased ridership, and walkability.
- Alternative 4 would only partially meet the remaining Primary Objectives to reduce vehicle miles traveled to meet the goals of the Senate Bill 375, Senate Bill 743, and California Assembly Bill 32 to reduce carbon emissions.
- Alternative 4 would not fulfill the Secondary Objectives to increase the opportunity for small business and jobs located in transit station areas and along connecting corridors; improve the function and design of neighborhoods throughout the CPA by promoting a diversity of neighborhood serving uses near residential areas, discouraging a proliferation of auto related uses along pedestrian corridors, and

enhancing pedestrian oriented design along corridors; and implement the new zoning code districts and rules as applicable to this geography.

- Alternative 4 would only partially meet the Secondary Objectives to support jobs-producing uses by maintaining industrially planned lands for employment generating uses and increase the opportunity for small business and jobs located in transit station areas and along connecting corridors.

### ***Environmentally Superior Alternative***

Section 15126.6 of the *State CEQA Guidelines* requires that an “environmentally superior” alternative be selected among the alternatives that are evaluated in the EIR. In general, the environmentally superior alternative is the alternative that would be expected to generate the fewest adverse impacts. If the No Project Alternative is identified as environmentally superior, then another environmentally superior alternative shall be identified among the other alternatives.

Alternatives 1 and 4 would incrementally reduce impacts for multiple issue areas compared to the Proposed Plan. This is because Alternative 1 and 4 would both reduce overall development levels in the CPA. However, none of these alternatives would avoid any of the significant and unavoidable impacts of the Proposed Plan and in fact, Alternatives 1 and 4 would result in a new significant impact (VMT). Alternative 4 would involve the lowest overall level of growth and development in the CPA. However, because Alternative 4 would not be subject to the mitigation measures proposed in the Proposed Plan, it may result in higher greater overall impacts than the Proposed Plan for certain issues. In addition, by limiting growth in the CPA, Alternative 4 could cause more forecasted growth and associated development to occur in other areas of the City or region that have less access to transit and longer distances between housing, jobs, and services. In this way, Alternative 4 may also result in greater overall regional VMT and associated air pollutant and GHG emissions.

Among the other alternatives, Alternative 3, the Land Use Mix Alternative would include the same high level of TOD development as the Proposed Plan with the added benefit of increased housing for the region and reducing VMT. Since Alternative 3 would have greater overall development than the Proposed Plan, it would result in greater impacts to public services and utilities as these topic areas are largely driven by population and Alternative 3 would increase the number of housing units and population compared to the Proposed Plan. Although this alternative would not reduce any of the significant impacts of the Proposed Plan, it would meet the project objectives, even if to a lesser degree for some, it has more environmental benefits related to greenhouse gases and energy use and sustainable development patterns than the other alternatives. Alternative 3 would allow new housing opportunities in the area of the CPA closest to Downtown Los Angeles, which is a major employment center and transit hub for the wider region. Due to

the proximity to Downtown Los Angeles and new infrastructure investments in the riverside area, specifically the new 6<sup>th</sup> Street Viaduct Replacement Project and 6<sup>th</sup> Street PARC Project, if Alternative 3 were to be adopted it is reasonably foreseeable that new housing development within the CPA would likely occur in the riverside area, which could lessen overall impacts to temporary construction (air quality and noise) in other areas of the CPA. Based on the ability to result in incrementally reduced environmental impacts and meet project objectives, the Land Use Mix Alternative (Alternative 3) is the Environmentally Superior Alternative. However, this alternative is rejected mainly because it would not be consistent with the Secondary Objective of maintaining industrially planned lands for employment generating uses.

### **3. STATEMENT OF OVERRIDING CONSIDERATIONS**

CEQA requires decision-maker(s) to balance, as applicable, the economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project against its unavoidable environmental risks when determining whether to approve the proposed project. (PRC Section 21081(b) and *State CEQA Guidelines* Section 15093(a).) If the specific economic, legal, social, technological, or other benefits of a proposed project outweigh the unavoidable significant adverse environmental effects, the adverse environmental effect may be considered “acceptable” (*State CEQA Guidelines* Section 15093(a)). CEQA also requires that when a public agency approves a project that will result in the occurrence of significant and unavoidable adverse impacts to the environment, the agency must state in writing the reasons to support its action based on the certified EIR and/or other information in the record (PRC Section 21081 and *State CEQA Guidelines* Section 15093(b)). This “statement of overriding considerations” must be supported with substantial evidence in the record (*State CEQA Guidelines* Section 15093(b)). The EIR for the Boyle Heights Community Plan Update identifies significant and unavoidable impacts that would result from implementation of the Proposed Project, as shown in **Section 2** of these CEQA Findings of Fact and Statement of Overriding Considerations. This Statement of Overriding Considerations is based on substantial evidence in the record, including but not limited to the Draft EIR and the Final EIR, and documents, testimony, and all other materials that constitute the Record of Proceedings.

#### **Reasons to Support Approval of Proposed Project**

After balancing the specific economic, legal, social, technological, and other benefits of the Proposed Project, the City of Los Angeles has determined that the unavoidable adverse environmental impacts identified above may be considered “acceptable” due to the following specific considerations, which outweigh the unavoidable adverse environmental impacts of the Proposed Project. The City Council finds that each of the following statements are supported by substantial evidence in the record and that each one

of the following overriding considerations independently, grouped by overarching theme, or taken collectively, is/are sufficient to outweigh the significant and unavoidable impacts of the Proposed Project:

1. The Proposed Project promotes development in a manner that would accommodate anticipated population growth for the City consistent with the City's General Plan and the RTP/SCS prepared by SCAG. The RTP/SCS is the regional transportation and land use planning document required by federal and state agencies to document compliance with air quality attainment and greenhouse gas reduction requirements (Senate Bill 375, AB 32, SB 32). Consistent with the RTP/SCS, the Proposed Project directs growth away from lower-density neighborhoods and primarily into transit hubs and corridors. The Proposed Plan includes new zoning regulations that maintain the pedestrian-scale and the existing built character of the Plan Area, including maintaining density regulations in the majority of lower-density multi-unit residential areas of the Plan Area. The Proposed Project directs new higher-intensity development in proximity to transportation corridors and transit stations to facilitate use of public transportation, biking, and walking, consistent with state, regional and City policies aimed at reducing criteria pollutant and greenhouse gas emissions, as well as reducing overall vehicle miles traveled (VMT).
2. The Proposed Project supports the policies and goals of the General Plan Framework Element related to focusing growth in higher-intensity commercial centers close to transportation and services by creating concentrated, mixed-use development in proximity to bus corridors and transit stations. The Framework Element aims to focus mixed-use development around transit stations while "protecting and preserving surrounding low-density neighborhoods from the encroachment of incompatible land uses." The Proposed Project protects residential neighborhoods from incompatible land uses through the new zoning regulations for industrial land uses and enhances mobility by focusing future growth in areas well-served by transit, which offers residents, employees, and visitors mobility choices that enable them to reduce the number and length of vehicle trips.
3. The Proposed Project supports the policies and goals of the General Plan Framework Element. The Proposed Plan would improve the link between the locations of land use and transportation in a manner that is consistent with the City's Framework Element. Implementation of the Proposed Plan would direct growth to transit hubs and corridors, away from low density neighborhoods, which supports Framework Objective 3.7, which provides for the "stability and enhancement of multi-family residential neighborhoods." The Proposed Plan would accommodate a variety of housing and commercial opportunities near the Metro E Line (Previously L Line) rail stations and along major corridors with bus lines while maintaining zoning and development regulations in established residential neighborhoods. Further, the Proposed Plan supports the policies and goals of the General

Plan Framework by maintaining existing employment centers in the light and heavy industrial areas of the Plan Area, supporting Framework Objective 3.14 to “provide land and supporting services for the retention of existing and attraction of new industries.” A vision of concentrated and mixed-use development adjacent to transit areas is promoted to conserve resources, protect existing stable residential neighborhoods and improve air quality by reducing vehicle-reliance.

4. The Proposed Project enhances the quality of life for existing and future residents by including updates to land use designations and zones that are intended to accommodate the growth anticipated in the SCAG 2040 forecast in a sustainable way. New growth and housing are to be directed along identified corridors and mixed-use transit nodes where future residents would live within walking distance of transit and commercial amenities, reducing reliance on cars. Due to the proximity to major cultural and employment centers such as Downtown Los Angeles, the LAC+USC Medical Center campus, and the regional industrial center of Vernon, the Project Area is well-suited for equitable transit-oriented development, allowing for new housing and affordable housing near existing E Line (formerly L Line) stations and bus lines for current and future residents to readily access jobs and amenities using public transportation. The proposed land use and zone changes associated with the Proposed Plan would allow for opportunities to increase the amount of jobs and housing that would be located within close proximity to transit and to each other, which would reduce vehicle work trips, resulting in a decrease in per capita VMT in support of Assembly Bill 32 and Senate Bill 375 as well as the Framework Element objectives.
5. The Proposed Plan would concentrate new development within High Quality Transit Areas (HQTAs), as specified in the RTP/SCS, and in Transit Priority Areas (TPAs). By increasing development intensity near transit stations, the Proposed Plan would encourage a transportation mode shift from private vehicles to public transit. These characteristics are anticipated to reduce per capita GHG emissions associated with cars and light trucks. The Proposed Plan would be consistent with AB 32, SB 32, the 2017 Scoping Plan, SB 375, the RTP/SCS, regional and local strategies to reduce GHG, and can be expected to contribute to reductions in per capita GHG emissions when viewed at the regional level.
6. The Proposed Project incorporates features to help minimize impacts to historical resources. Implementation of the Boyle Heights Community Plan Implementation Overlay (CPIO) District procedures would ensure that any resource within CPIO Subarea B that is eligible for listing as a historical resource in SurveyLA or the Intensive Historic Resource survey is subject to a discretionary review process, and if it is determined to be historic, an environmental review process would be required to mitigate or avoid impacts to the historical resource. Environmental review would continue to be required for existing designated historic resources throughout Boyle Heights. Implementation of

CPIO regulations would protect potential historic resources currently not afforded protections by requiring special review of identified eligible historic properties and by preserving the historic character of certain residential neighborhoods.

7. The Proposed Project responds to the regional housing and homelessness crisis and the corresponding increasing cost of housing in the City of Los Angeles by including policies and affordable housing incentives through the community benefits program aimed at providing affordable housing in association with new housing development and reducing homelessness. Additional incentives are provided for projects that provide 100% of the units on-site as affordable units. In addition, the Proposed Plan contains several policies and implementation programs aimed at keeping existing residents and tenants in their homes. Directing new housing growth and development towards mixed-use corridors and away from existing lower density multi-unit neighborhoods alleviates redevelopment pressure on existing multi-unit, rent stabilized housing units.
8. The Proposed Project responds to the need to increase and enhance open space opportunities through a requirement for Lot Amenity space on each development site and provides an incentive for developments that make the Lot Amenity space publicly accessible.
9. The Proposed Project generally directs growth to areas identified by SCAG as HQTA. Job growth in the area will be directed to the transit corridors and nodes in the CPA, which are well served by public transportation – both high-frequency Metro rail and local bus routes. The proximity of these jobs to transit will result in fewer vehicle trips as commuters travel to and from home to work daily.
10. The Proposed Project seeks to enhance access to all modes in the local circulation system, improving access on transit, roadways, bicycle, and pedestrian facilities. This is accomplished through applying new land use and zoning regulations to encourage mixing and scales of use as well as site design supportive of all modes. The Proposed Plan also implements the City’s Mobility Element (MP 2035) with a refined lens on the Boyle Heights CPA and is consistent with the objectives of the SCAG RTP/SCS, and the City’s approach to transportation planning. The proposed mobility improvements would provide transportation options and accommodations for multiple modes of travel (i.e., transit, bicycle, pedestrian, and vehicle) as part of the transportation system.
11. The Proposed Project is the product of a comprehensive public participation effort that includes public input from a range of stakeholders, including residents, homeowners, business owners, students, employees, community advocates, as well as review and input by the City Planning Commission, and the City Council in order to address prevailing housing, neighborhood, and community issues. The

policies and programs for the Proposed Project are based on public input, as well as collaboration with other City departments, City stakeholders, and other governmental agencies.

### ***Conclusion***

Having (i) adopted all feasible mitigation measures, (ii) recognized all significant and unavoidable impacts, (iii) rejected other alternatives to the Proposed Project, and (iv) balanced the specific economic, legal, social, technological, and other benefits of the Proposed Project, including region and statewide environmental benefits, against the Proposed Project's potential significant and unavoidable impacts, the City Council hereby finds that the benefits of the Proposed Project outweigh and override the potential significant and unavoidable impacts for the reasons stated above and that the unavoidable adverse environmental effects may be considered "acceptable."