FINDINGS

FINDINGS OF FACT (CEQA)

I. INTRODUCTION

This Environmental Impact Report (EIR), consisting of the Draft EIR and the Final EIR, is intended to serve as an informational document for public agency decision-makers and the general public regarding the objectives and environmental impacts of 676 Mateo Street Project (Project), located at 668-678 S. Mateo Street and 669-679 S. Imperial Street (mid-block between E. 7th Street to the south and Jesse Street to the north), Los Angeles, California, 90021 (Site or Project Site). The Project would demolish the existing warehouse and surface parking and construct a 197,355-square-foot mixed-use building including up to 185 live/work units, up to 23,380 square feet of art production and commercial space, and associated parking facilities, on a 42,598 square-foot lot (net). Eleven percent of the units (21 live/work units) would be deed-restricted for Very Low-Income households. The Project also proposes the ability to implement an increased commercial option that would provide the Project the flexibility to increase the commercial square footage from 23,380 square feet to 45,873 square-feet within the same building parameters and, in turn, reduce the overall amount of live/work units from 185 live/work units to 159 live/work units. Eleven percent of the units (18 live/work units) would be deed-restricted for Very Low-Income households.

The City of Los Angeles (the “City”), as Lead Agency, has evaluated the environmental impacts of implementation of the Project by preparing an environmental impact report (EIR) (Case Number ENV-2016-3691-EIR State Clearinghouse No. 2018021068). The EIR was prepared in compliance with the California Environmental Quality Act of 1970 (CEQA), Public Resources Code (PRC) Section 21000 et seq. and the California Code of Regulations Title 15, Chapter 6 (the "CEQA Guidelines"). The findings discussed in this document are made relative to the conclusions of the EIR.

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

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

1) Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant impacts as identified in the EIR.
2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been, or can or should

be, adopted by that other agency.
3) Specific economic, legal, social, technological, other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the EIR.

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

The findings provided below include the following:

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

With respect to a project for which significant impacts are not avoided or substantially lessened either through the adoption of feasible mitigation measures or feasible environmentally superior alternatives, a public agency, after adopting proper findings based on substantial evidence, may nevertheless approve the project if the agency first adopts a statement of overriding considerations setting forth the specific reasons why the agency found that the project's benefits rendered acceptable its unavoidable adverse environmental effects. (CEQA Guidelines Sections15093 and 15043[b]; see also CEQA Section 21081[b].)

II. ENVIRONMENTAL REVIEW PROCESS

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

Initial Study. The Project was reviewed by the Los Angeles Department of City Planning (for the City of Los Angeles, the Lead Agency) in accordance with the requirements of CEQA (PRC 21000 et seq.). The City prepared an Initial Study in accordance with Section 15063(a) of the CEQA Guidelines.

Notice of Preparation. Pursuant to the provisions of Section 15082 of the State CEQA Guidelines, the City then circulated a Notice of Preparation (NOP) to State, regional and local agencies, and members of the public for a 30-day period commencing on February 23, 2018 and ending on March 27, 2018. The NOP also provided notice of a Public Scoping Meeting held on March 12, 2018. The purpose of the NOP and Public Scoping Meeting was to formally inform the public that the City was preparing a Draft EIR for the Project, and to solicit input regarding the

scope and content of the environmental information to be included in the Draft EIR. Written comment letters responding to the NOP were submitted to the City by various public agencies, interested organizations and individuals. The NOP, Initial Study, and NOP comment letters are included in Appendix A of the Draft EIR.

Draft EIR. The Draft EIR evaluated in detail the potential effects of the Project. It also analyzed the effects of a reasonable range of alternatives to the Project, including a "No Project" alternative. The Draft EIR for the Project (State Clearinghouse No. 2018021068), incorporated herein by reference in full, was prepared pursuant to CEQA and State, Agency, and City CEQA Guidelines (City of Los Angeles California Environmental Quality Act Guidelines). The Draft EIR was circulated for a 46 day public comment period beginning on December 10, 2020 and ending on January 25, 2021. A Notice of Availability (NOA) was distributed on December 10, 2020, to all property owners within 500 feet of the Project Site and interested parties, which informed them of where they could view the document and how to comment. The Draft EIR was available to the public at the City of Los Angeles, Department of City Planning. A copy of the document was also posted online at https://planning.lacity.org. Notices were filed with the County Clerk on December 10, 2020.

Notice of Completion. A Notice of Completion was sent with the Draft EIR to the Governor's Office of Planning and Research State Clearinghouse for distribution to State Agencies on August 13, 2021, and notice was provided in newspapers of general and/or regional circulation.

Final EIR. The City released a Final EIR for the Project on August 13, 2021, which is hereby incorporated by reference in full. The Final EIR constitutes the second part of the EIR for the Project and is intended to be a companion to the Draft EIR. The Final EIR also incorporates the Draft EIR by reference. Pursuant to Section 15088 of the CEQA Guidelines, the City, as Lead Agency, reviewed all comments received during the review period for the Draft EIR and responded to each comment in Section II, Responses to Comments, of the Final EIR. On August 13, 2021, responses were sent to all public agencies that made comments on the Draft EIR at least 10 days prior to certification of the EIR pursuant to CEQA Guidelines Section 15088(b). Notices regarding availability of the Final EIR were also sent to property owners and occupants within a 500-foot radius of the Project Site, as well as anyone who commented on the Draft EIR, and interested parties.

Public Hearing. A noticed public hearing for the Project was held by the Deputy Advisory Agency, and Hearing Officer on behalf of the City Planning Commission on August 25, 2021.

City Planning Commission Meeting. A public hearing for the Project was held by the City Planning Commission regarding the appeals of the Deputy Advisory Agency's approval of the tract map, and other entitlements.

III. RECORD OF PROCEEDINGS

For purposes of CEQA and these Findings, the Record of Proceedings for the Project includes (but is not limited to) the following documents and other materials that constitute the administrative record upon which the City approved the Project. The following information is incorporated by reference and made part of the record supporting these Findings of Fact:

All Project plans and application materials including supportive technical reports;

- The Draft EIR and Appendices, Final EIR and Appendices, and all documents relied upon

or incorporated therein by reference;
- The Mitigation Monitoring Program (MMP) prepared for the Project;
- The City of Los Angeles General Plan and related EIR;
- The Southern California Association of Governments (SCAG)'s 2016-2040 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) and related EIR (SCH No. 2015031035);
- The Southern California Association of Governments (SCAG)'s 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) and related EIR (SCH No. 2019011061));
- Municipal Code of the City of Los Angeles, including but not limited to the Zoning Ordinance and Subdivision Ordinance;
- All records of decision, resolutions, staff reports, memoranda, maps, exhibits, letters, minutes of meetings, summaries, and other documents approved, reviewed, relied upon, or prepared by any City commissions, boards, officials, consultants, or staff relating to the Project;
- Any documents expressly cited in these Findings of Fact, in addition to those cited above; and
- Any and all other materials required for the record of proceedings by PRC Section 21167.6(e).

Pursuant to CEQA Section 21081.6(a)(2) and CEQA Guidelines Section 15091(e), the documents and other materials that constitute the record of proceedings upon which the City has based its decision are located in and may be obtained from the Department of City Planning, as the custodian of such documents and other materials that constitute the record of proceedings, located at the City of Los Angeles, Figueroa Plaza, 221 North Figueroa Street, Room 1350, Los Angeles, CA 90012.

In addition, copies of the Draft EIR and Final EIR are available on the Department of City Planning's website at https://planning.lacity.org/development-services/eir (to locate the documents, search for either the environmental case number or the Project title).

IV. DESCRIPTION OF THE PROJECT

The Project involves the demolition of an existing warehouse and surface parking lot, and the construction of an up to 197,355-square-foot mixed-use building including up to 185 live/work units, up to 23,380 square feet of art-production and commercial space, and associated parking facilities, on a 42,598 square-foot lot (net). Eleven percent of the units (21 live/work units) would be deed-restricted for Very Low Income households. The proposed building would be up to 116'-0" to the top of the parapet with 8 above-ground levels with an approximately 4.63:1 FAR, plus three levels of subterranean parking.

The Project also proposes the ability to implement an "Increased Commercial Flexibility Option" (Flexibility Option) that would provide the Project the flexibility to increase the commercial square footage provided by the Project from 23,380 square feet to 45,873 square-feet within the same building parameters (i.e., 197,355-square-foot, 116'-0" tall building with eight above-ground levels, , and three-level subterranean parking structure) and, in turn, reduce the overall amount of live/work units from 185 live/work units to 159 live/work units, with a reduction from 21 to 18 in deed-restricted Very Low Income units.

The Project's commercial uses would be concentrated on the ground level fronting Mateo Street and Imperial Street, and some commercial uses would be located on the second floor. The

commercial uses would include general commercial, restaurant, retail, office, and art production-related uses. The Project also proposes the sale and on-site consumption of alcoholic beverages at up to four establishments for a total of up to 15,005 square feet of floor area. The live/work component would be located on the second through eighth levels. Under the Flexibility Option, 24 live/work units would be replaced with 22,493 square feet of commercial space for a total of approximately 45,873 square feet of commercial space. The increased commercial space would consist of office and art production-related uses. Additionally, the amount of common open space provided under the Flexibility Option would be the same as the Project without the Flexibility Option; however, the amount of private open space would be reduced commensurate to the reduction in live/work units.

The Project, including the Flexibility Option, has been designed to incorporate specific design standards to address the Arts District's unique urban form and architectural characteristics.

V. NO IMPACT OR LESS THAN SIGNIFICANT WITHOUT MITIGATION

Impacts of the Project that were determined to have no impact or be less than significant in the EIR (including having a less than significant impact as a result of implementation of project design features and compliance with existing regulations and that require no mitigation are identified below. The City has reviewed the record and agrees with the conclusion that the following environmental issues would not be significantly affected by the Project and therefore, no additional findings are needed. The following information does not repeat the full discussions of environmental impacts contained in the EIR. The City ratifies, adopts, and incorporates the analysis, explanation, findings, responses to comments, and conclusions of the EIR.

Aesthetics:
As described on pages B-1 through B-22 of the Initial Study included in Appendix A.2 of the Draft EIR, pursuant to Senate Bill (SB) 743 (PRC Section 21099(d)), aesthetic impacts of a residential, mixed-use residential, or employment center project on an infill site within a transit priority area (TPA) shall not be considered significant impacts on the environment. The Project qualifies as it is an infill, mixed-use residential project within 0.5 mile of a major transit stop. The related City of Los Angeles Department of City Planning Zoning Information (ZI) File ZI No. 2452 provides further instruction concerning the definition of transit priority projects and that "visual resources, aesthetic character, shade and shadow, light and glare, and scenic vistas or any other aesthetic impact as defined in the City's CEQA Threshold Guide shall not be considered an impact for infill projects within TPAs pursuant to CEQA." Therefore, the analysis in the Initial Study was for informational purposes only and not for determining whether the Project would result in significant impacts to the environment since the Project's and Flexibility Option's aesthetic impacts are not considered to be significant pursuant to State law.

Agricultural and Forest Resources:
As described in Appendix A.2, pages B-23 through B-24, of the Draft EIR, the Project Site is currently developed with a warehouse and ancillary surface parking. No agricultural uses or related operations or farmland designations are present on the Project Site or in the surrounding urbanized area. As such, the Project and the Flexibility Option will not impact agricultural or forest resources.

Air Quality:
As described on pages IV.A-23 through IV.A-24 and IV.A-30 through IV.A-39 of the Draft EIR and page III-3 of the Final EIR, the Project and the Flexibility Option would include new development on the Project Site that would generate new emissions. However, the Project and the Flexibility

Option would be consistent with the goals of SCAG's 2020-2045 RTP/SCS and growth projections in the 2016 Air Quality Management Plan (AQMP), since the growth would occur as a result of an infill, mixed-use development in a TPA and the Project and the Flexibility Option would incorporate appropriate control strategies for emissions reduction during construction and operation. In addition, the Project and the Flexibility Option would also be consistent with applicable goals, objectives, and policies of the Air Quality Element of the General Plan that support and encourage pedestrian activity and land uses that contribute to a land use pattern addressing housing needs while reducing vehicle trips and air pollutant emissions within a TPA. (Draft EIR Table IV.A-7). Therefore, the Project and the Flexibility Option would not conflict with or obstruct implementation of air quality management plans and, as such, impacts would be less than significant.

As described on pages IV.A- IV.A-40 through IV.A-58 and Appendix B, Air Quality Calculations, of the Draft EIR, the Project's and the Flexibility Option's daily construction and operational emissions of Nitrogen Oxide (NOx) (a precursor to ozone, O3), and particulate matters PM10, and PM2.5, the criteria pollutants for which the Project Site region is currently in non-attainment, will be below thresholds of significance for criteria pollutants. Also, as described on pages IV.A-50 through IV.A- 55 of the Draft EIR, Project and the Flexibility Option emissions would not exceed the SCAQMD localized significance thresholds (LST), nor produce carbon monoxide (CO) emissions which exceed 1992 Federal Attainment Plan for Carbon Monoxide. Moreover, the construction and operation activities would be subject to the regulations and laws relating to toxic air pollutants at the regional, State, and federal level that would protect sensitive receptors from substantial concentrations of these emissions. As a result, potential long-term impacts associated with the release of TACs would be minimal, regulated, and controlled, and, as such would not exceed the applicable SCAQMD numerical significance thresholds. Therefore, Project and Flexibility Option construction and operation impacts related to criteria pollutants, LST, CO and TAC exposure to sensitive receptors would be less than significant.

Additionally, for the reasons described on pages IV.A-56 through IV.A-58 of the Draft EIR, the significance thresholds for cumulative impacts are the same as the for project-specific emissions. Therefore, since all the Project-specific and Flexibility Option-specific impacts would be less than significant because they do not exceed the relevant thresholds of significance, the cumulative impacts would be less than significant as well. Accordingly, the Project-level and cumulative air quality impacts of the Project and the Flexibility Option would be less than significant.

As described on pages B-25 through B-26 of the Initial Study included in Appendix A.2of the Draft EIR, construction and operation of the Project and the Flexibility Option would not result in objectionable odors affecting a substantial number of people as the Project would not include the types of uses that could generate objectionable odors. Therefore, the Project's and the Flexibility Option's impacts associated with odors would be less than significant.

Biological Resources:
As described in Appendix A.2, Initial Study, of the Draft EIR, due to the urbanized nature of the Project Site and surrounding area, the Project Site is not within a conservation area and does not support habitat for candidate, sensitive, or special status species, beyond potential tree habitat for nesting birds. Similarly, the Project Site does not include any wildlife corridors, wetlands or conflict with regulation protecting biological resources, including the City's protected tree ordinance Additionally, the Project and the Flexibility Option would comply with the Migratory Bird Treaty Act to protect and avoid disturbance of nesting birds should any be countered on the Project Site. As such, the Project's and the Flexibility Option's impacts would be less than significant.

Cultural Resources (Except Archeological Resources):
As described on pages IV.B-30 through IV.B-31, IV.B-40 and IV.B-45, and Appendix C.1, Historic Resources Report, of the Draft EIR, and pages III-3 through III-12 of the Final EIR, there are no historical resources or human remains at the Project Site and, therefore, the Project and the Flexibility Option would not directly impact any listed cultural resources. With regards to indirect impacts on historical resources, as described on pages IV.B-31 through IV.B-37 and Appendix C.1 of the Draft EIR, while there are three historical resources located within the vicinity of the Project Site with the potential to be indirectly impacted by the Project, (the Downtown Los Angeles Industrial Historic District (Historic District), the National Biscuit Company Building, and the Toy Factory Lofts), the Project and the Flexibility Option would not substantially impact the historical context or setting of these historical resources and district. to the degree they would no longer be eligible for listing under national, State, or local historic district programs. Moreover, to the extent that any human remains are encountered during construction, the Project and the Flexibility Option would comply with California Health and Safety Code Section 7050.5 and PRC Section 5097.98 to ensure that impacts would be less than significant. Additionally, for the reasons described on pages IV.B-43 through IV.B-44, the Project's and the Flexibility Option's contribution to a cumulative impact would be less than significant. Thus, overall, the Project-level and cumulative impacts of the Project and the Flexibility Option related to historical resources and human remains would be less than significant without mitigation.

Energy:
As described on pages IV.N-20 through IV.N-57 and Appendix O, Energy Calculations, of the Draft EIR, the Project's and the Flexibility Option's construction and operation activities would consume electricity, natural gas, and transportation energy (gasoline and diesel for equipment and vehicles). However, this use would be in compliance with all applicable regulatory requirements to reduce energy consumption such as Title 24 standards and CALGreen requirements, and would be in compliance with the City's Green Building Code, as discussed in Section II, Project Description, of the Draft EIR. Furthermore, the Project and the Flexibility Option would be consistent with applicable goals and policies of the 2020-2045 RTP/SCS and local goals and policies to reduce vehicle trips as described in Section IV.G, Land Use and Planning, and Appendix H, Land Use Tables, of the Draft EIR. Additionally, for the reasons described on pages IV.N-57 through IV.N-65 of the Draft EIR, the Project's and the Flexibility Option's contribution to cumulative energy impacts would not be considerable since the growth represented by the Project or the Flexibility Option and the Related Projects is within regional and local projections and demand for electricity, natural gas, and transportation energy would not exceed infrastructure capacity or supply. Accordingly, the Project and the Flexibility Option would not: result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during construction or operation; or conflict with or obstruct a State or local plan for renewable energy or energy efficiency. Therefore, the Project-level and cumulative impacts of the Project and the Flexibility Option related to energy resources would be less than significant.

Geology and Soils (Except Paleontological Resources):
As described on pages B-32 through B-34 of the Initial Study included in Appendix A.2 of the Draft EIR, Appendix and on pages IV.C-16 through IV.C-24 of the Draft EIR and Appendix D.1, Geotechnical Report, of the Draft EIR, the Project and the Flexibility Option would not: cause potential substantial adverse effects, caused in whole or in part by the Project's exacerbation of the existing environmental conditions, involving fault rupture, strong seismic ground, seismic-related ground failure (including liquefaction), or landslides; result in substantial soil erosion or loss of topsoil; be located on a geologic unit that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading,

subsidence, liquefaction, or collapse, caused in whole or in part by the Project's or the Flexibility Option's exacerbation of the existing environmental conditions; or result in impacts associated with expansive soils, creating substantial direct or indirect risks to life or property.. Accordingly, the Project-level and cumulative Project and Flexibility Option impacts related to geology and soils would be less than significant. Refer to the discussion below regarding paleontological resources impacts that were determined to be less than significant with implementation of mitigation measures.

Greenhouse Gas Emissions:
As described on pages IV.D-26 through IV.D-54 and Appendix E, Greenhouse Calculations, of the Draft EIR, and pages III-5 through III-12 of the Final EIR, through compliance with regulatory measures and incorporation of GHG reducing features described on page IV.D-36 of the Draft EIR,, and due to the proposed mixed uses at the Project Site and its location within a TPA, GHGs would be reduced in a manner consistent with applicable regulatory plans and policies to reduce GHG emissions, including: Executive Orders S-3-05 and B-30-15; AB 32 Scoping Plan; SCAG's 2020-2045 RTP/SCS; the LA Sustainable City plan; and the LA Green Building Code. Additionally, as explained on page IV.D-55, all GHG impacts are exclusively cumulative impacts; as such the Project's and the Flexibility Option's contribution to any cumulative impact related to the GHG emissions would not be cumulatively considerable. Therefore, the Project-level and cumulative GHG emission impacts of the Project and the Flexibility Option would be less than significant.

Hazards and Hazardous Materials:
As described on page B-35 of the Initial Study included in Appendix A.2of the Draft EIR, pages IV.E-22 through IV.E-25 of the Draft EIR, and Appendices F.1, Phase I ESA and F.2, Methane Investigation, of the Draft EIR, construction and operation of the Project and the Flexibility Option would involve the use of potentially hazardous materials common to construction and commercial/residential developments. However, through proper handling and compliance with applicable laws, such use would not create a significant environmental hazard. The Project and the Flexibility Option would use, store, transport and dispose of all products in accordance with manufacturers' instructions and handled in compliance with applicable federal, State, and local regulations regarding hazardous materials, as well as all applicable regulations regarding the accidental release of hazardous materials. Additionally, as described on page B-36 of the Initial Study included in in Appendix A.2 of the Draft EIR and pages IV.E-25 through IV.E-26 of the Draft EIR, while there is one existing school site within a quarter-mile of the Project Site and construction and operation of the Project and the Flexibility Option would not create a significant hazard to that school as all potentially hazardous materials would be used, stored, and disposed of in accordance with manufacturers' specifications and in compliance with applicable federal, State, and local regulations. Also, as described on pages IV.E-26 through IV.E-27 and IV.E-30 through IV.E-31 of the Draft EIR, and pages B-37 and B-38 of the Initial Study included in Appendix A.2 of the Draft EIR, the Project Site does not consist of a hazardous material site pursuant to Government Code Section 65962.5, nor is located near an airport or airstrip, nor does it contain or is it near wildlands. Finally, as described on pages IV.E-28 through IV.E-30 of the Draft EIR, since the Project and the Flexibility Option would not require the closure of any lanes, would incorporate a construction traffic management plan through Project Design Feature PDF TR-1, and submit an emergency response plan to the LAFD, the Project and the Flexibility Option would have a less than significant impact on emergency response and evacuation plans. Additionally, for the reasons described on pages IV.E-31 through IV.E-33 of the Draft EIR, the Project's and the Flexibility Option's contribution to any cumulative impact related hazards or hazardous materials would not be cumulatively considerable since all projects would be required to comply with all applicable regulatory provisions regarding transportation, use, storage, disposal and accidental release of hazardous materials. As such, the Project-level and cumulative impacts

of the Project and the Flexibility Option related to hazards and hazardous materials would be less than significant without mitigation.

Hydrology and Water Quality:
As described on pages IV.F-25 through IV.F-29 and pages IV.F-40 through IV.F-42, Appendix G, Water Resources Report, of the Draft EIR, Project and Flexibility Option construction and operational activities would be subject to applicable water quality, drainage and erosion requirements including implementation of approved LID best management practices (BMPs) during operation to insure that water quality and sustainability plans would not be impeded . Furthermore, neither construction nor operation of the Project or the Flexibility Option would require groundwater extraction Also, as described on pages IV.F-32 through 35 and Table IV.F-1 of the Draft EIR, while the Project and Flexibility Option would result in a less than one percent change in the distribution of stormwater discharge between Mateo Street and Imperial Street, construction and operation would not substantially alter drainage patterns across the Project Site or exceed the capacity of existing or planned stormwater drainage systems. As such, Project and Flexibility impacts regarding water quality and alteration of drainage patterns would be less than significant.

As to release of pollutants by flood hazard, tsunami or seiche zones, as described on pages IV.F-39 through IV.F-40 of the Draft EIR, and page B-41 of the Initial Study included in Appendix A.2 of the Draft EIR, the Project Site is not within a flood hazard area and its distance from the ocean and other bodies of water is such that the Site would not be impacted by a tsunami, or at risk of inundation by seiche. . Additionally, since the Project Site is not located within a 100-year flood hazard, the Project and the Flexibility Option would not place housing or other structures within a flood-hazard zone nor would the Project impede or redirect flood flows. Accordingly, impacts related to the Project's and the Flexibility Option's risk of flooding or pollutant release due to Project Site inundation would be less than significant without mitigation.

Additionally, for the reasons described on pages IV.F-42 through IV.F-44 of the Draft EIR, the Project's and the Flexibility Option's contribution to any cumulative impact related to hydrology and water quality would not be cumulatively considerable. Overall, the Project-level and cumulative impacts of the Project and the Flexibility Option related to hydrology and water quality would be less than significant without mitigation.

Land Use and Planning:
As described on pages B-42 through B-43 of the Initial Study included in Appendix A.2 of the Draft EIR, there is no existing residential use on the Project Site, or a residential use that would be physically separated or otherwise disrupted by the Project or the Flexibility Option as development currently exists within the boundaries of the Project Site and development would remain within the boundaries of the existing Site. Moreover, the Project Site is not located within or near a habitat conservation plan or natural community conservation plan or a sensitive ecological area and does not contain vegetation and natural habitat and, thus, does not support sensitive natural communities or violate habitat conservation plans. Therefore, the Project and the Flexibility Option would not physically divide a community nor conflict with habitat conservation plans.

As described on pages IV.G-23 through IV.G-42 and Appendix H, Land Use Tables, of the Draft EIR, and pages III-12 though III-17 and III-54 through III-56, of the Final EIR, the Project and the Flexibility Option would not conflict with applicable land use plans, policies and regulations adopted to avoid or mitigate an environmental impact because due to the location, proposed uses and design, the Project and the Flexibility Option would either be consistent with the plan or policy or would not impede its implementation. Additionally, for the reasons described on pages IV.G-

41 through IV.G-42 of the Draft EIR, there are 20 Related Projects which generally consist of infill development and redevelopment of existing uses, all of which would be required to comply with relevant land use policies and regulations. As such, the Project-level and cumulative impacts of the Project and the Flexibility Option related to land use and planning would be less than significant.

Mineral Resources:
As described on pages B-43 through B-44 of the Initial Study included in Appendix A.2of the Draft EIR, the Project Site is not (1) classified by the City as containing significant mineral deposits; (2) located near any oil fields and no oil extraction activities have historically occurred at the Project Site; or (3) designated as a mineral production area or extraction area. Thus, the Project and the Flexibility Option would not: result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the State; or result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan. Therefore, the Project and the Flexibility Option would not create any Project-level or cumulative impact to mineral resources.

Noise (Except On-Site Construction Noise and Human Annoyance from Construction-Generated Groundborne Vibrations):
As described on pages IV.H-28 through IV.H-34 and Appendix I, Noise Calculations, of the Draft EIR, and pages III-17 to III-19 of the Final EIR, with compliance with applicable noise regulations and Project Design Feature PDF NOI-1, which contains prohibitions on use of amplified music or speech, Project and Flexibility Option off-site construction noise, on-site and off-site noise caused by trips to and from the Project Site and noise from on-site stationary sources, on-site parking, and outside spaces would not exceed the City's noise thresholds nor create noise incompatible with the uses in the area. As mentioned in DEIR page IV.H.4 and IV.H.5, a commonly used rule of thumb for roadway noise is that for every doubling of distance from the source (assume a starting point of 50 feet), the noise level is reduced by about 3 dBA at acoustically "hard" locations. Moreover, multi-family and single-family residential receptors are located along the anticipated haul route. Conversely, for every half distance to the source, the noise level would increase by 3 dBA. As shown in Table IV.H-8 of DEIR, typical noise from haul trucks driving by can reach up to 76 dBA L_{max} at a distance of 50 feet and as shown in Table IV.H-7 of the DEIR, the existing, daytime maximum noise for Mateo Street is 77.3 dBA; 86.7 dBA L_{max} for Imperial Street. Therefore, the noise level of a Project haul truck passing at 25 feet would be 79 dBA which is lower than the existing, ambient noise levels at receptor locations along haul route roadway segments.

Additionally, a noise memorandum dated September 13, 2021 was prepared by Eco Tierra to qualify potential effects from noise generated by haul trucks during construction of the Project as a result of modification to the routes to be utilized by inbound and outbound haul trucks.

Under the revised haul route, trucks would pass by the Amp Lofts building, located at 695 S Santa Fe Avenue, Los Angeles, CA 90021, which fronts Imperial Street and Santa Fe Avenue. Inbound (northbound) trucks would utilize Santa Fe Avenue and outbound (southbound) trucks would utilize Imperial Street. The distance from the centerline of these roadways to the building edge of the Amp Lofts was determined from Google Maps. This distance would represent the closest point of approach of the trucks to the Amp Lofts building and was determined to be 37.22 feet on Imperial Street and 43.30 feet on Santa Fe Avenue.

Using the distance of 37.22 feet from the centerline of Imperial Street to the edge of the Amp Lofts building, the instantaneous noise level generated by a haul truck passing by the Amp Lofts would

be 78.56 dBA Lmax (using the reference noise level at 50 feet [dBA Lmax] of 76 dBA as shown in Table IV.H-8, Noise Range of Project Construction Equipment, of Section IV.H, Noise, of the DEIR). As shown in Table IV.H-7, Existing Ambient Noise Levels, of the DEIR, the measured ambient noise level adjacent to the Amp Lofts is 86.7 dBA Lmax; therefore, noise generated by the intermittent passing of haul trucks would not exceed the ambient maximum noise level already experienced at the Amp Lofts location.

In addition, traffic volumes along Imperial Street would need to double in order to raise the noise level on this street by an audible amount (3 dBA). The existing ADT volume along Imperial Street south of Jesse Street is 420 vehicles. The Project's additional volume of 142 additional vehicle trips per day would not represent a doubling of traffic volume that would be required to achieve an audible increase from truck activity. Furthermore, the increase in haul-related traffic noise would not be permanent and would only last for the 66-day duration of grading activity. Noise generated by haul trucks using Santa Fe Avenue would be less than identified above because of the greater distance between the haul truck route and the Santa Fe Avenue facing side of the Amp Lofts building. Because the generation of noise from haul truck activity associated with the Project would be below the ambient noise levels observed at the Amp Lofts and the volume of activity would not be sufficient to result in an audible increase of average traffic noise levels along Imperial Street and Santa Fe Avenue, noise impacts associated with the Project's haul route would be less than significant.

Also, as described in Appendix A.2, Initial Study, of the Draft EIR, the Project Site is not located within an airport land use plan the nor within an airport's influence area or within two miles of an airport or private airstrip and therefore the Project and the Flexibility Option would not expose residents or employees to airplane noise. Therefore, no noise impacts associated with proximity to an airport or airstrip would occur. Additionally, for the reasons described on pages IV.H-43 through IV.H-44 of the Draft EIR, the Project and Related Projects would not combine to exceed thresholds of significance related to construction-generated off-site noise and operational noise. As such, with compliance applicable noise regulations and PDF NOI-1, the Project-level and cumulative impacts of the Project and the Flexibility Option related to off-site construction noise and operation noise impacts would be less than significant.

As to structural damage from groundborne vibrations, as described on pages IV.H-35 through IV.H-41 of the Draft EIR, the construction vibrations levels at the nearest sensitive receptors would be less than the Federal Transportation Administration standards for even the most sensitive uses. In addition, excavation would be subject to compliance with regulations including LAMC Section 91.3307 which provides for protection of adjoining properties. As for operation-generated vibrations causing structural damage or human annoyance, day-to-day operations would include typical commercial-grade stationary mechanical and electrical equipment which would not be located in direct contact with the ground, and transient vibration from vehicles would not exceed the significance threshold for potential residential building damage. As for the potential for operation-generate vibrations to cause human annoyance, as described on pages IV.H-40 through IV.H-41 of the Draft EIR, neither building mechanical equipment nor transient vibrations would cause vibrations that exceed the threshold of significance for human annoyance. Additionally, as described on pages IV.H-43 through IV.H-44 of the Draft EIR, due several factors including the rapid attenuation characteristics of groundborne vibration, there would be no potential for cumulative construction-period impacts with respect to groundborne vibration. Therefore, with respect to structural damage from construction-generated groundborne vibrations and both structure damage and human annoyance from operation-generated groundborne vibrations, the Project-level and cumulative impacts from the Project and Flexibility Option would be less than significant.

Population and Housing:
As described on pages IV.I-15 through IV.I-16 and IV.I-21 of the Draft EIR, and pages III-19 through III-31 of the Final EIR, construction of the Project and the Flexibility Option would not generate new population as construction is temporary, and the nature of construction employment is such that workers move from construction site to construction site and, therefore, are not likely to relocate as a result of construction activities. As such, construction of the Project and the Flexibility Option would not induce substantial increase in population either directly or indirectly. Therefore, construction impacts regarding induced growth would be less than significant without mitigation.

As described on pages IV.I-16 through IV.I-26 of the Draft EIR, and shown in Table IV.I-3, Project Generation of Population, Housing, and Employment, Table IV.I-4, Project Population, Housing, and Employment Impacts for the City of Los Angeles, and Table IV.I-5, Flexibility Option Generation of Population, Housing, and Employment, as revised on pages III-19 though III-31 of the Final EIR, the Project and the Flexibility Option would be within projections for population, housing, and employment for the City and the contribution to population growth would constitutes an infill pattern in a TPA that is encouraged by plans and policies Additionally, for the reasons described on pages IV.I-27 through IV.I-32 and Appendix J, Cumulative Calculations, of the Draft EIR, as revised on pages III-26-31 of the Final EIR, the Project or the Flexibility Option combined with the Related Projects would not induce substantial population growth or exceed regional and local projections for population, housing, or employment. Overall, the Project-level and cumulative impacts of the Project and the Flexibility Option related to population and housing would be less than significant without mitigation.

Public Services- Fire Services:
As described on pages IV.J-17 through IV.J-25 of the Draft EIR, the Project and the Flexibility Option would comply with all applicable regulations, including the City's Fire and Building Codes and implement Project Design Feature PDF TR-1 (Construction Staging and Traffic Management Plan (CSTMP)) to ensure adequate emergency access during construction, Additionally, as described on pages IV.J-19 through IV.J-25 and Appendix K, Service Agency Letters, of the Draft EIR, based on response distance from existing stations, building safety features such as fire resistant doors and materials, automatic sprinkler systems, and smoke detectors, and LADWP determination that there is adequate hydrant fire flow to service the Project Site, operation of the Project or the Flexibility Option would not require additional LAFD resources. Also, for the reasons described on pages IV.J-23 through IV.J-25 of the Draft EIR, since all Related Project would be required to comply with applicable regulations, and with implementation of Project Design Feature PDF TR-1 (CSTMP), the Project and the Flexibility Option would not contribute to a cumulatively significant impact on fire protection services. As such, the Project and the Flexibility Option would not result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities (i.e., police), the construction of which would cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for police protection. Therefore, both the Project and Flexibility Option would result in less than significant project-level and cumulative police protection impacts.

Public Services- Police Services:
As described on pages IV.J-36 through IV.J-49 and Appendix K, Service Agency Letters, of the Draft EIR, and pages III-31 through III-32 of the Final EIR, the Project and the Flexibility Option would implement Project Design Features PDF POL-1 (security measures during construction), PDF TR-1 (CSTMP), and PDF POL-2 (security measures during operation) which, when combined with compliance with applicable regulations, would reduce the demand for police services. Moreover, any construction related demand would be temporary and emergency

access during construction would be maintained through PDF TR-1 (CSTMP). As further indicated therein, with the implementation of these Project Design Features and City-required security measures, the Project and Flexibility Option would not result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities (i.e., police), the construction of which would cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for police protection. Therefore, both the Project and Flexibility Option would result in less than significant project-level and cumulative police protection impacts.

Public Services- Schools:
As described on pages IV.J-64 through IV.J-72 of the Draft EIR, and pages III-32 through III-33 of the Final EIR, construction of the Project and the Flexibility Option would not create an impact on school services due to the temporary nature of the employment and because construction would require employees who are anticipated to be hired from a mobile regional construction work force that moves from project to project. As to operation of the Project and the Flexibility Option, while the generation of new residential units would be expected to add to the local student population, pursuant to Government Code Section 65995 the payment of mandatory school impact fees is considered full and complete mitigation of project-related school impacts. Additionally, for the reasons described on pages IV.J-72 through IV.J-76 of the Draft EIR, like the Project and the Flexibility Option, the Related Projects' construction would not generate permanent jobs that would result in workers moving to the area and thereby adding to the local school enrollments and the Related Projects also will be required to comply with Governmental Code Section 65995 which will offset any impacts on local schools. Thus, the Project and Flexibility Option would not result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities (i.e., schools), the construction of which would cause significant environmental impacts, in order to maintain acceptable service. Accordingly, the Project's and the Flexibility Option's Project-level and cumulative impact related to school services would be less than significant.

Public Services- Parks and Recreation:
As described on pages IV.J-92 through IV.J-98 of the Draft EIR, while construction of the Project and the Flexibility Option would result in a temporary increase in the number of construction workers at the Project Site, the use by construction workers of public parks and recreational facilities near the Project Site would be rare and short-term as construction workers tend to be transient and short term. As for operations, the Project would provide approximately 15,320 square feet of usable open space and the Flexibility Option would provide approximately 14,160 square feet of usable open space, provide on-site recreational amenities, and pay in-lieu park fees consistent with the LAMC requirements which would further supplement any potential impacts on the regional or local park and recreational facilities. Additionally, for the reasons described on pages IV.J-98 through IV.J-99 of the Draft EIR, the Related Projects also will be required to comply with all applicable regulatory provisions regarding the provision of fees and on-site open space and recreational amenities. Thus, the Project and the Flexibility Option would not (a) cause a need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for parks; (b) increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated; or (c) include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment. As such, the Project's and the Flexibility Option's Project-level and cumulative impacts to parks and recreational facilities would be less than significant.

Public Services- Libraries:
As described on pages IV.J-110 through IV.J-120 of the Draft EIR, and Appendix K, Service Agency Letters, of the Draft EIR, and page III-33 through III-34 of the Final EIR, due to the temporary and short-term nature of the construction projects and jobs, there would be no notable increase in library usage at the libraries serving the Project Site. While the Project and the Flexibility Option and the Related Projects would increase the use of the four libraries within a two-mile radius of the Project Site, due to each project's ability to provide internet service, generate revenue to the City's General Fund, pay applicable per capita fees to the Los Aneles Public Library (LAPL), and the LAPL's ongoing expansion and availability of online resources, the increase in demand to any one local library would not be expected to result in a substantial increase in demand that would necessitate new or physically altered facilities. Accordingly, the Project's and the Flexibility Option's Project-level and cumulative impact related to libraries would be less than significant without mitigation.

Transportation:
As described on pages IV.K-25 through IV.K-36, Appendix L.4 Table IV.K-2, Land Use Transportation Table, Appendix L.1, Traffic Impact Study, and Appendix H, Land Use Tables, of the Draft EIR, and pages III-34 through III-38 of the Final EIR, the Project and the Flexibility Option would generate vehicular, bicycle and pedestrian traffic and would create a demand for public transit. However, the Project and the Flexibility Option would: be developed on an urban infill site within an TPA, in close proximity to transit Metro Local Lines 18, 53, 60, 62, 66 and Metro Rapid 720 and 760, as well as approximately one mile from the Metro Gold Line Little Tokyo/Arts District Station; implement transportation-related Project Design Features including PDF TR 1 (Construction Staging and Traffic Management Plan) and PDF TR 2 (Transportation Demand Management); reduce VMT; and not conflict with applicable transportation plans, create dangerous conditions, or result in inadequate emergency access. As a result, with implementation of Project Design Features PDF TR-1 and PDF-TR-2, by developing a project that encourages multi-modal connectivity and access, the Project and the Flexibility Option would not: conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities; conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b); substantially increase hazards due to a geometric design feature or incompatible uses; or result in inadequate emergency access. . Additionally, for the reasons set forth on pages IV.K-34 through IV.K-36 of the Draft EIR, the Project and the Flexibility Option would not incrementally contribute to significant transportation impacts. As such, the Project's and Flexibility Option's Project-level and cumulative transportation and traffic impacts would be less than significant.

Also, as described on page B-52 of the Initial Study included in Appendix A.2 of the Draft EIR, and on page IV.K-32 of the Draft EIR, the Project and the Flexibility Option do not propose any construction that would result in a change in air traffic patterns, including increases in traffic levels or changes in location that would result in substantial safety risks and no hazardous design features or incompatible land uses would be introduced with the Project or the Flexibility Option that would create significant hazards to the surrounding roadways since the Project and the Flexibility Option propose a land use that complements the surrounding urban development and utilizes the existing roadway network. Accordingly, the Project and the Flexibility Option would not have any impacts on air traffic patterns nor contain any hazardous design or incompatible use feature.

Tribal Cultural Resources:
As discussed on pages IV.L-12 through IV.L-17, and in Appendix M, Tribal Cultural Resources Report, of the Draft EIR, the Project and the Flexibility Option would include development,

excavation and grading activities at the Project Site that could potentially impact tribal cultural resources (TCRs). However, as further indicated therein, the Project Site soils have been previously disturbed, no prehistoric archaeological or TCRs have been previously recorded at the Project Site, the tribal consultations required under AB 52 did not identify the presence of known TCRs at the Project Site, and the Project and the Flexibility Option would implement the City's standard condition of approval for the inadvertent discovery of tribal cultural resources during construction. Therefore, the Project and the Flexibility Option would not cause a substantial adverse change in the significance of a TCR as defined in PRC Section 21074 that is: listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in PRC Section 5020.1(k), or a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of PRC Section 5024.1. Additionally, the Related Project would be required to comply with AB 52. As such, the Project and the Flexibility Option would result in less than significant Project-level and cumulative TCR impacts.

Utilities and Service Systems- Water Supply and Infrastructure:
As described on pages IV.M-26 through IV.M-38 and Appendix N.1, Infrastructure Technical Report: Water, of the Draft EIR, and pages III-38 through III-40 of the Final EIR, the Project and the Flexibility Option would have a less-than-significant impact on water supply and infrastructure during both construction and operation because: there are adequate water supplies and infrastructure to service the Project and the Flexibility Option; activities associated with the installation of the water distribution lines would be in accordance with the actions and procedures outlined in the Construction Staging and Traffic Management Plan, PDF TR-1, insuring less than significant impacts on traffic during construction; the Project Site has adequate fire flow available to demonstrate compliance with LAMC Section 57.507.3; and, the Project and the Flexibility Option would comply with all applicable regulations including the LAMCand Title 20 and Title 24 of the California Administrative Code standards and regulations, which would reduce the water demand projected for the Project and the Flexibility Option. Additionally, for the reasons described on pages IV.M-34 through IV.M-38 of the Draft EIR, LADWP would be able to supply the water demands of the Project or the Flexibility Option as well as future growth. As such, Project-level and cumulative impacts of the Project and the Flexibility Option related to water supply, water infrastructure, and fire flow would be less than significant.

Utilities and Service Systems- Wastewater:
As described on pages B-53 through B-54 of the Initial Study included in Appendix A.2 of the Draft EIR, the Project and the Flexibility Option would convey wastewater via municipal sewage infrastructure maintained by the City's Bureau of Sanitation to the Hyperion Treatment Plant (HTP) in compliance with wastewater treatment requirements enforced by the Los Angeles Regional Water Quality Control Board and, therefore, would not exceed treatment requirements. Additionally, as described on pages IV.M-51 through IV.M-56 and Appendix N.2, Infrastructure Technical Report: Wastewater, of the Draft EIR, construction and operation of the Project or the Flexibility Option would be adequately handled by existing wastewater facilities. Also, any disturbance to adjacent streets as a result of required connections to the sewer system would be subject to Project Design Feature PDF TR-1 (CSTMP) which will ensure that impacts to traffic would be less than significant. Additionally, for the reasons described on pages IV.M-57 through IV.M-60 of the Draft EIR, the combined wastewater generation estimated for the Related Projects and the Project or the Flexibility Option would not exceed HTP's capacity. Therefore, the Project and the Flexibility Option would not require expansion of existing, or construction of new, wastewater facilities to accommodate the wastewater generated by construction or operation and neither would exceed the treatment capacity of the existing wastewater system. As such, Project-level and cumulative impacts of the Project and the Flexibility Option related to wastewater would

be less than significant.

Utilities and Service Systems- Solid Waste:
As described on pages IV.M-73 through IV.M-83 of the Draft EIR, the Project and the Flexibility Option would generate construction and operation solid waste that can be accommodated within existing infrastructure capacity. Furthermore, Project and Flexibility Option construction would be consistent with all federal State and local statutes, regulations, and policies regarding solid waste disposal and reduction and recycling. Therefore, Project's and the Flexibility Option's waste generation would not exceed the permitted capacity of disposal facilities serving the Project Site and would not alter the ability of the County to address landfill needs via existing capacity and other planned strategies and measures for ensuring sufficient landfill capacity exists to meet the needs of the County. Additionally, for the reasons described on pages IV.M-83 through IV.M-86 of the Draft EIR, is adequate capacity in permitted solid waste facilities to serve the Project or the Flexibility Option and the Related Projects . As such, the Project and the Flexibility Option would not generate solid waste in excess of State, regional or local standards, or in excess of the capacity of local infrastructure, or otherwise impact the attainment of solid waste reduction goals and the Project and the Flexibility Option would comply with applicable State and local statutes and regulations governing solid waste. Therefore, Project-level and cumulative impacts of the Project and the Flexibility Option with regards to solid waste would be less than significant.

Utilities and Service Systems- Electric Power, Natural Gas and Telecommunications:
As described on pages IV.M-97 through IV.M-103 and Appendix O, Energy Calculation, of the Draft EIR with regards to electrical power, natural gas, and telecommunications, the Project and the Flexibility Option will generate demand for electricity, natural gas, and telecommunications demand during construction and operation. However, that demand l would not be substantial or require additional capacity, as the LADWP's review of the Project and the Flexibility Option of demand has confirmed that electric service is available and will be provided to the Project Site; SoCalGas' existing and planned natural gas supplies and infrastructure would be sufficient to meet the Project's and the Flexibility Option's demand for natural gas; and, since the Project Site is in a developed area with existing telecommunications facilities, the Project and the Flexibility Option would not result in the need for new or expanded facilities. Additionally, for the reasons described on pages IV.M-104 through IV.M-108 of the Draft EIR, each of the Related Projects will be required to comply with applicable regulations to ensure available capacity to service the project site. Therefore, the Project and the Flexibility Option would not result in the relocation, expansion of existing, or construction of new, electrical power, natural gas or telecommunications facilities the construction of which could cause significant environmental effects. As such, overall the Project-level and cumulative impacts of the Project and the Flexibility Option related to electricity, natural gas and telecommunications would be less than significant.

Wildfire:
As described on pages IV.O-7 through IV.O-12 of the Draft EIR, the Project Site and surrounding area are relatively flat and do not contain any significant slope nor are they located within or near any State, regional or local fire hazard zones. However, as discussed in Section IV.E, Hazards and Hazardous Materials, of the Draft EIR, neither construction nor operation of the Project or the Flexibility would impair or physically interfere with an adopted emergency response plan. Additionally, Project Design Feature, PDF TR-1 (CSTMP), would ensure that construction does not significantly affect emergency vehicles or access. Furthermore, the Project Site and surrounding area (including the Related Projects' sites) are not located in a high wind velocity area or downslope or downwind of a State Responsibility Area (SRA) or the Very High Fire Hazard Severity Zone (VHFHSZ) nor involve the construction or maintenance of infrastructure which could exacerbate a fire risk, nor subject to landslide or flooding nor drainage change within the

SRA or VHFHSZ. Accordingly, the Project and the Flexibility Option would not impair emergency response or emergency evacuation plans, exacerbate a wildfire risk, require infrastructure construction or maintenance exacerbating a fire risk, or result in flooding or landslides as a result of runoff, post-fire slope instability, or drainage change within the SRA or the VHFHSZ. As such Project-level and cumulative impacts of the Project and the Flexibility Option with regards to wildfires would be less than significant.

VI. LESS THAN SIGNIFICANT IMPACTS WITH MITIGATION

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

1. Cultural Resources (Archaeological only)

(a) Impact Summary:

(i) Archeological Resources:

As described on pages IV.B-37 through IV.B-38 of the Draft EIR, there is potential for the Project Site to contain subsurface archaeological resources. As a result of the archival research and archaeological resources survey conducted for the Project, no archaeological resources have been identified within the Project Site. However, since the Project Site is in close proximity other previously discovered archaeological finds including the Zanja Madre, and is underlain by fine-grained alluvium which has a high sensitivity for buried archaeological resources, the lack of known onsite resources does not preclude the potential that construction activities could uncover subsurface archaeological deposits which could qualify as historical resources under CEQA. Impacts to any such resources would constitute a significant impact on the environment which could be mitigated to a less-than-significant level with mitigation measures. Therefore, Mitigation Measures MM CUL-1 through MM CUL-4 would be required to reduce this potential impact to less than significant.

(ii) Cumulative:

As described on pages IV.B-44 through IV.B-45 of the Draft EIR, impacts related to archaeological resources under CEQA are in most cases site-specific because they occur on a project level as a result of a project's ground disturbance activities during construction. Therefore, since the Project and the Flexibility Option would implement Mitigation Measures MM CUL-1 through MM CUL-4, the Project and the Flexibility Option would not have a significant contribution to cumulative impacts on archaeological resources and, as a result, cumulative impacts with mitigation would be less than significant.

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

(c) Mitigation Measures: The City finds that Mitigation Measures MM CUL-1 through MM CUL-4, set forth below and incorporated into the Project and the Flexibility Option, would reduce the potentially significant archeological resources to less than significant.

MM CUL-1 Prior to the issuance of a demolition permit, the Applicant or its Successor shall retain a Qualified Archaeologist who meets the Secretary of the Interior's Professional Qualifications Standards (qualified Archaeologist) to oversee an archaeological monitor who shall be present during construction activities on the Project Site such as demolition, clearing/grubbing, grading, trenching, or any other construction excavation activity associated with the Project. The activities to be monitored shall also include off-site improvements in the vicinity of the Project Site, such as utility, sidewalk, or road improvements. The monitor shall have the authority to direct the pace of construction equipment in areas of high sensitivity. The frequency of monitoring shall be based on the rate of excavation and grading activities, the materials being excavated (younger sediments vs. older sediments), and the depth of excavation, and if found, the abundance and type of archaeological resources encountered. Full-time monitoring may be reduced to part-time inspections, or ceased entirely, if determined adequate by the qualified Archaeologist. Prior to commencement of excavation activities, an Archaeological Sensitivity Training shall be given for construction personnel. The training session, shall be carried out by the Qualified Archaeologist, will focus on how to identify archaeological resources that may be encountered during earthmoving activities, and the procedures to be followed in such an event.

MM CUL-2 In the event that historic (e.g., bottles, foundations, refuse dumps/privies, railroads, etc.) or prehistoric (e.g., hearths, burials, stone tools, shell and faunal bone remains, etc.) archaeological resources are unearthed, ground disturbing activities shall be halted or diverted away from the vicinity of the find so that the find can be evaluated. A 50-foot buffer shall be established by the qualified Archaeologist around the find where construction activities shall not be allowed to continue. Work shall be allowed to continue outside of the buffer area. All archaeological resources unearthed by Project construction activities shall be evaluated by the qualified Archaeologist. If a resource is determined by the qualified Archaeologist to constitute a "historical resource" pursuant to State CEQA Guidelines Section 15064.5(a) or a "unique archaeological resource" pursuant to Public Resources Code Section 21083.2(g), the qualified Archaeologist shall coordinate with the Applicant and the Department of City Planning to develop a formal treatment plan that would serve to reduce impacts to the resources. If any prehistoric archaeological sites are encountered within the project area, consultation with interested Native American parties will be conducted to apprise them of any such findings and solicit any comments they may have regarding appropriate treatment and disposition of the resources. The treatment plan established for the resources shall be in accordance with State CEQA Guidelines Section 15064.5(f) for historical resources and Public Resources Code Sections 21083.2(b) for unique archaeological resources. Preservation in place (i.e., avoidance) is the preferred manner of treatment. If in coordination with the Department of City Planning, it is determined that preservation in place is not feasible, appropriate treatment of the resource shall be developed by the qualified Archaeologist in coordination with the Department of City Planning and may include implementation of archaeological data recovery excavations

to remove the resource along with subsequent laboratory processing and analysis. Any archaeological material collected shall be curated at a public, non-profit institution with a research interest in the materials, if such an institution agrees to accept the material. If no institution accepts the archaeological material, they shall be donated to a local school or historical society in the area for educational purposes.

MM CUL-3 Prior to the release of the grading bond, the qualified Archaeologist shall prepare a final report and appropriate California Department of Parks and Recreation Site Forms at the conclusion of archaeological monitoring. The report shall include a description of resources unearthed, if any, treatment of the resources, results of the artifact processing, analysis, and research, and evaluation of the resources with respect to the California Register and CEQA. The report and the Site Forms shall be submitted by the Project Applicant or its Successor to the Department of City Planning, the South Central Coastal Information Center, and representatives of other appropriate or concerned agencies to signify the satisfactory completion of the development and required mitigation measures.

MM CUL-4 In the event that Zanja Conduit System-related infrastructure is unearthed, ground-disturbing activities shall be halted or diverted away from the vicinity of the find so that the find can be evaluated. An appropriate exclusion area that accounts for the linear nature of the resource shall be established by a Qualified Archaeologist, meeting the Secretary of the Interior Standards in Archaeology. Construction activities shall not be allowed to continue within the exclusion area until directed by the Qualified Archaeologist in consultation with the Department of City Planning, but work shall be allowed to continue outside of the exclusion area. The Qualified Archaeologist shall coordinate with the Applicant or its Successor, the Department of City Planning, and the City's Office of Historic Resources to develop a formal treatment plan for the resource that would serve to mitigate impacts to the resource(s). The treatment measures listed in California Code of Regulations Section 15126.4(b) shall be considered when determining appropriate treatment for the Zanja resource. As noted in California Code of Regulations Section 15126.4(b)(A), preservation in place (i.e., avoidance) is the preferred manner of mitigating impacts to archaeological sites. If in coordination with the Department of City Planning, it is determined that preservation in place is not feasible, other treatment measures for the resource shall be developed by the Qualified Archaeologist in coordination with the Office of Historic Resources and with final approval by the Department of City Planning. Treatment would be designed to address the resource's eligibility under Criterion 1 (significant events) and 4 (scientific data) as well as eligibility as a unique archaeological resource of the likely form of the zanja, to the best of our current knowledge (e.g., is it assumed to be made of wood/concrete/earthen etc., based on known archival research) and may include implementation of data recovery excavations to remove the resource along with subsequent laboratory processing and analysis. At minimum, a commemoration program that includes the development of an

interpretive exhibit/display/signage or plaque at the Project Site. In addition, other public educational and/or interpretive treatment measures will be developed as determined appropriate by the Qualified Archaeologist in consultation with the City's Office of Historic Resources. Any associated artifacts collected that are not made part of the interpretation/education collected may be curated at a public, non-profit institution with a research interest in the materials, if such an institution agrees to accept the material. If no institution accepts the material, it shall be offered for donation to a local school or historical society in the area for educational purposes. The Qualified Archaeologist shall prepare a final report and appropriate California Department of Parks and Recreation Site Forms (Site Forms) for the Zanja resource. The report shall outline the treatment measures implemented, include a description of the resources unearthed, results of any artifact processing, analysis, and research. The report and the Site Forms shall be submitted by the Qualified Archaeologist to the City and the South Central Coastal Information Center.

(d) Finding:

Pursuant to PRC Section 21081(a)(1), the City finds that changes or alterations have been required in, or incorporated into the Project and the Flexibility Option, which mitigate or avoid the potential significant effects identified in the EIR.

(e) Rationale for Finding:

(i) Archeological Resources:

As described on pages IV.B-25 through IV.B-26 and IV.B-37 through IV.B-38, Table IV.B-1, *Previously Recorded Archaeological Resources,* and Appendix C.2, *Archeological Resources Assessment*, of the Draft EIR, the results of the archaeological records search for the Project Site indicate that there are no known prehistoric or historic archaeological resources on the Project Site. However, the potential for uncovering archeological resources during construction exists due to the fact that the Project Site is underlain by fine-grained younger alluvium, which has a high sensitivity for buried archaeological resources, the current buildings on the Project Site do not contain basements, the construction of which could have disturbed any potential subsurface archaeological resources, and archaeological resources have been discovered in the Project Site vicinity, the closest of which is approximately 0.2 miles from the Project Site.

The Project and the Flexibility Option would require excavation to a maximum depth of approximately 47 feet below the surface to construct the three-level subterranean parking structures, building foundations, and infrastructure and utility improvements (e.g., sewer, electrical, water, and drainage systems). Therefore, construction activities would penetrate into high sensitivity sediments and could significantly impact archaeological resources that were not encountered during prior construction or other human activity at the Project Site. Accordingly, mitigation measures MM CUL-1 through MM CUL-3, set forth above, requires the retention and involvement of a Qualified Archaeologist to provide technical and compliance oversight of all work as it relates to archaeological resources and an archaeological monitor to monitor construction activities on the Project Site such as demolition, clearing/grubbing, grading, trenching, or any other construction excavation activity associated with the Project and the Flexibility Option or as determined necessary by the Qualified Archaeologist. The activities to be monitored would also include off-site improvements in the vicinity of the Project Site, such as utility, sidewalk, or road improvements.

Additionally, as described on pages IV.B-21 through IV.B-22, IV.B-24 through IV.B-26, and IV.B-38, and Appendix C.2, zanjas, or publicly owned irrigation ditches, were used to enable ranching and cultivation of the Los Angeles River's fertile floodplains, including in the Project Site vicinity, with the main ditch, the Zanja Madre, being constructed in 1781. A branch of this irrigation system, Zanja No. 1, is mapped as having been located to the west side of the Project Site. However, since some level of error could exist with the maps reviewed during the preparation of the Archaeological Resources Assessment, there remains a possibility that the Zanja could be encountered during construction activities for the Project and the Flexibility Option. Accordingly, Mitigation Measure MM CUL-4, set forth above, would be required in the event that Zanja Conduit System-related infrastructure is unearthed. Mitigation Measure MM CUL-4 requires the retention and involvement of a Qualified Archaeologist to provide technical and compliance oversight and development and implementation of a formal treatment plan which would provide protection for the Zanja resource.

Implementation of mitigation measures MM CUL-1 through MM CUL-4 and compliance with regulatory requirements would ensure the appropriate monitoring for and identification, protection, recovery, and applicable treatment of significant archaeological resources and thereby ensure that Project and Flexibility Option impacts would be reduced to less than significant levels. As such, under both the Project and the Flexibility Option, impacts to archaeological resources, would be less than significant with mitigation.

(ii) Cumulative:

For the reasons set forth on pages IV.B-44 through IV.B-45 of the Draft EIR, impacts related to archaeological resources qualifying as historical resources or unique archaeological resources under CEQA are in most cases site-specific because they occur on a project level as a result of a project's ground disturbance activities during construction and, as such, are assessed on a project-by-project basis. Since the Project and the Flexibility Option would be required to implement Mitigation Measures CUL-MM-1 through CUL-MM-4 to reduce impacts to archaeological resources to a less-than-significant level and since the related projects would be required to comply with applicable regulations and standard City mitigation measures regarding discovery of archaeological resources, the Project's and the Flexibility Option's contribution to cumulative impacts related to archaeological resources would not be cumulatively considerable and, as a result, cumulative impacts with mitigation would be less than significant.

(f) Reference: For a complete discussion of archaeological resources, please see Section IV.B, *Cultural Resources*, and Appendix C.2, *Archaeological Resources Assessment,* of the Draft EIR.

2. Geology and Soils (Paleontological only)

(a) Impact Summary:

(i) Paleontological Resources:

As described on pages IV.C-25 through IV.C-28 of the Draft EIR, there is potential for the Project Site to contain paleontological resources. The paleontological resource records search revealed no known fossil records associated with the Project Site. However, there have been vertebrate fossils located in the vicinity of the Project Site and excavation of the Project Site for the three-level subterranean parking structure, shoring, building foundations, and infrastructure and utility improvements (e.g., sewer, electrical, water, and drainage systems), would access high sensitivity older alluvium. As a result, Project and

Flexibility Option construction activities would have the potential to directly or indirectly destroy a unique paleontological resource not identified in the analysis conducted for the Project Site and, as such, would result in a potentially significant impact on the environment which could be mitigated to a less-than-significant level with mitigation measures. Therefore, Mitigation Measure MM GEO-1 would be required to reduce this potential impact to less than significant.

(ii) Cumulative:

For the reasons described on page IV.C-30 of the Draft EIR, with regard to paleontological resources, given the site characteristics and mitigation measure to be implemented by the Project and the Flexibility Option and the fact that related projects that would require excavation would be subject to environmental review and imposition of similar mitigation measures, the Project's and Flexibility Option's contribution to cumulative paleontological resources impacts would not be cumulatively considerable and, as a result, the Project's and the Flexibility Option's cumulative impacts with mitigation would be less than significant.

(b) Project Design Features:

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

(c) Mitigation Measures:

The City finds that Mitigation Measure MM GEO-1, set forth below and incorporated into the Project and the Flexibility Option, would reduce the potentially significant paleontological resources to less than significant.

MM GEO-1 A Qualified Paleontologist meeting the Society of Vertebrate Paleontology (SVP) Standards shall be retained by the Applicant or its Successor prior to the approval of demolition or grading permits. The Qualified Paleontologist shall provide technical and compliance oversight of all work as it relates to paleontological resources, shall attend the Project kick-off meeting and Project progress meetings on a regular basis, and shall report to the Project Site in the event potential paleontological resources are encountered.

The Qualified Paleontologist shall conduct construction worker paleontological resources sensitivity training prior to the start of ground disturbing activities (including vegetation removal, pavement removal, etc.). In the event construction crews are phased, additional trainings shall be conducted for new construction personnel. The training session shall focus on the recognition of the types of paleontological resources that could be encountered within the Project Site and the procedures to be followed if they are found. Documentation shall be retained by the Qualified Paleontologist demonstrating that the appropriate construction personnel attended the training.

Paleontological resources monitoring shall be performed by a qualified paleontological monitor (meeting SVP standards) under the direction of the Qualified Paleontologist. Paleontological resources monitoring shall be

conducted for all ground disturbing activities in previously undisturbed sediments that exceed 15 feet in depth in previously undisturbed older Alluvial sediments which have high sensitivity for encountering paleontological resources. However, depending on the conditions encountered, full-time monitoring within these sediments can be reduced to part-time inspections or ceased entirely if determined adequate by the Qualified Paleontologist. The surficial Alluvium has low paleontological sensitivity and so work in the upper 15 feet of the Project Site does not require monitoring. The Qualified Paleontologist shall spot check the excavation on an intermittent basis and recommend whether the depth of required monitoring should be revised based on his/her observations. Monitors shall have the authority to temporarily halt or divert work away from exposed fossils or potential fossils. Monitors shall prepare daily logs detailing the types of activities and soils observed, and any discoveries.

If construction or other Project personnel discover any potential fossils during construction, regardless of the depth of work or location, work at the discovery location shall cease in a 50-foot radius of the discovery until the Qualified Paleontologist has assessed the discovery, conferred with the City, and made recommendations as to the appropriate treatment. Any significant fossils collected during Project-related excavations shall be prepared to the point of identification and curated into an accredited repository with retrievable storage, such as the LACM. The Qualified Paleontologist shall prepare a final monitoring and mitigation report for submittal to the City in order to document the results of the monitoring effort and any discoveries. If there are significant discoveries, fossil locality information and final disposition will be included with the final report which will be submitted to the appropriate repository and the City.

(d) Finding:

Pursuant to PRC Section 21081(a)(1), the City finds that changes or alterations have been required in, or incorporated into the Project and the Flexibility Option, which mitigate or avoid the potential significant effects identified in the EIR.

(e) Rationale for Finding:

(i) Paleontological Resources:

As described on pages on pages IV.C-25 through IV.C-28 and Appendix D.2, *Paleontological Resources Assessment Report,* of the Draft EIR, the Project Site is a flat, currently developed parcel with no distinct or prominent geologic or topographic features which could be impacted by development. However, surface deposits throughout the Project Site and vicinity consist of surficial younger alluvium on top of older Quaternary Alluvium, which has yielded fossils of numerous Ice Age animals in the Los Angeles area. While no known fossils have been recorded within the Project Site, nearby vertebrate fossil localities were collected from depths as shallow as 20-35 feet to a depth of 43 feet. Moreover, the Late Holocene-Pleistocene older Alluvium which underlies the Project Site at approximately 10 feet below the surface, has high paleontological sensitivity. Since construction will require excavation to approximately 47 feet below the surface, primarily to construct the three-level subterranean parking structures and building foundations, the excavation will penetrate the into high sensitivity sediments and would, therefore, have the potential to significantly impact paleontological resources that were not encountered during prior construction or other human activity.

Accordingly, Mitigation Measure MM GEO-1, set forth above, will require the retention and involvement of a Qualified Paleontologist to provide technical and compliance oversight of all work as it relates to paleontological resources and a paleontological monitor to monitor all ground disturbing activities in previously undisturbed older Alluvial sediments which have high sensitivity for encountering paleontological resources or as determined necessary by the Qualified Paleontologist. This Mitigation Measure includes monitoring, recovery, treatment, and deposit of fossil remains in a recognized repository should a previously unknown paleontological resource be discovered at the Project Site during construction activities. Thus, Implementation of mitigation measure MM GEO-1 would ensure that paleontological resources would be reduced to less than significant levels. As such, under both the Project and the Flexibility Option, impacts to archaeological resources would be less than significant with mitigation.

As such, under both the Project and the Flexibility Option, impacts to paleontological resources, would be less than significant with mitigation.

Therefore, Mitigation Measure MM GEO-1 would ensure that any potential impacts related to paleontological resources would be reduced to less than significant. As such, following implementation of mitigation measure MM GEO-1, the impacts of the Project and Flexibility Option on paleontological resources would be less than significant with mitigation.

(ii) Cumulative:

For the reasons described on page IV.C-30 of the Draft EIR, with regard to paleontological resources, development of the Related Project could expose or damage paleontological resources resulting in their progressive loss. It is expected that many of the Related Projects would be located on geologic deposits similar to the Project Site and, could encounter paleontological resources during construction activities. However, similar to the Project and the Flexibility Option, these Related Projects would be subject to environmental review and imposition of similar mitigation measures to address the potential for uncovering paleontological resources. Therefore, given the site characteristics and Mitigation Measure MM GEO-1 to be implemented by the Project and the Flexibility Option, and the fact that Related Projects that would require excavation would be subject to environmental review and imposition of similar mitigation measures, including monitoring, recovery, treatment, and deposit of fossil remains in a recognized repository, the Project's and the Flexibility Option's contribution to cumulative paleontological resources impacts would not be cumulatively considerable and, as such, the Project's and the Flexibility Options cumulative impacts with mitigation would be less than significant.

(f) Reference:

For a complete discussion of paleontological resources, please see Section IV.C, *Geology and Soils*, and Appendix D.2, *Paleontological Resources Assessment Report,* of the Draft EIR.

3. Noise (Construction On-Site Noise)

(a) Impact Summary:

(i) On-Site Construction Noise:

As described on pages IV.H-24 through IV.C-28 and page IV.H-34 of the Draft EIR, and Response to Comment 3-2, pages III-14 through III-21 of the Final EIR, the Project's and

the Flexibility Option's peak construction noise would expose Sensitive Receptor No. 1, the National Biscuit Company Building and Toy Factory Lofts, to noise levels in excess of the City's threshold of significance. As a result, Project and Flexibility Option on-site construction activities would result in a potentially significant impact on the environment which could be mitigated to a less-than-significant level with implementation of mitigation measures. Therefore, Mitigation Measures MM NOI-1 and MM NOI-2 would be required to reduce this potential impact to less than significant.

(ii) Cumulative:

As described on pages IV.H-43 through IV.H-44 of the Draft EIR, there are three Related Projects within 500 feet of the Project Site which could result in cumulative noise impacts if their construction schedules overlap with the Project's or the Flexibility Option's construction. However, since the Project's and the Flexibility Option's impacts with regards to on-site construction noise impacts would be reduce to a less-than-significant level with mitigation, and the Related Projects would be subject to environmental review and imposition of similar mitigation measures and compliance with applicable noise regulations, the Project's and Flexibility Option's contribution to cumulative on-site construction noise impacts would not be cumulatively considerable and, as a result, the Project's and the Flexibility Option's cumulative impacts with mitigation would be less than significant.

(b) Project Design Features:

No specific Project Design Features are proposed with regard to construction noise impacts.

(c) Mitigation Measures:

The City finds that Mitigation Measures MM NOI-1 and MM NOI-2, set forth below and incorporated into the Project and the Flexibility Option, would reduce the potentially significant on-site construction noise impacts to less than significant.

MM NOI-1 During all Project Site demolition and excavation/grading, construction contractors shall install a temporary, continuous sound barrier along the western (Mateo Street) boundary of the Project Site. The barrier shall be at least 8 feet in height and constructed of materials achieving a Transmission Loss (TL) value of at least 10 dBA, such as ½ inch plywood. The supporting structure shall be engineered and erected according to applicable codes. At the time of plan check, building plans shall include documentation prepared by a noise consultant verifying compliance with this measure.[1] Based on the FHWA Noise Barrier Design Handbook (July 14, 2011), see Table 3, Approximate sound transmission loss values for common materials.

MM NOI-2 Prior to any demolition and excavating/grading, to address construction sound levels above the ground floor at receptor 1 (Biscuit Company Lofts and Toy Company Lofts), the Project Applicant shall submit a noise mitigation analysis prepared by a qualified acoustic specialist for the review and approval of the Department of City Planning and the Department of Building and Safety that defines any additional sound barriers, the specific

[1] *Based on the FHWA Noise Barrier Design Handbook (July 14, 2011), see Table 3, Approximate sound transmission loss values for common materials.*

equipment mix, noise mufflers and buffer distances for specific pieces of equipment to reduce the effect of construction noise on the above ground-floor units at the Biscuit Company Lofts and Toy Company Lofts to less than a 5-dBA increase, based on the actual mix of equipment to be used, source levels, and utilization rates. Any supporting structures shall be engineered and erected according to applicable codes. At the time of plan check, building plans shall include documentation prepared by a noise consultant verifying compliance with this measure.

(d) Finding:

Pursuant to PRC Section 21081(a)(1), the City finds that changes or alterations have been required in, or incorporated into the Project and the Flexibility Option, which mitigate or avoid the potential significant effects identified in the EIR.

(e) Rationale for Finding:

(i) On-Site Construction Noise:

As described on pages IV.H-24 through IV.H-28, page IV.H-34, and Appendix I, *Noise Calculations,* of the Draft EIR, on-site construction noise levels diminish with distance from the construction site. As a result, the sensitive receptors closest to the Project Site would be subjected to the greatest noise levels emanating from the Project Site. The Draft EIR measured ambient noise levels at those nearby sensitive receptors and utilized a conservative analysis to determine potential impacts by assuming that every piece of equipment will be used at the same time, at the same distance from the sensitive receptor, for each phase of construction. As shown on Table IV.H-9, *Estimated Exterior Noise at Sensitive Receptors from On-Site Construction*, the construction noise levels forecasted for the proposed construction work would result in noise increases at all of the sensitive receptors. However, while the peak construction noise levels would be below the 75 dBA threshold of LAMC Section 41.40, pursuant to the L.A. CEQA Thresholds Guide, a project would normally have a significant impact on noise levels from construction if construction activities lasting more than 10 days in a three-month period would exceed existing ambient exterior noise levels by 5 dBA or more. As shown on Table IV.H-9, the Project's and the Flexibility Option's peak construction noise which would increase the existing ambient exterior noise level of 66.4 dBA Leq at the National Biscuit Company Building and Toy Factory Lofts (Sensitive Receptor No. 1) by approximately 6.5 dBA Leq, exceeding the 5 dBA threshold. Therefore, on-site construction activities under the Project and the Flexibility could expose persons to and generate noise levels in excess of City standards. However, as shown in Table IV.H-12, *Estimated Exterior Construction Noise at Sensitive Receptors With Mitigation,* with implementation of mitigation measures MM NOI-1 which requires the installation of a temporary, continuous sound barrier along the Mateo Street boundary of the Project Site under both the Project and the Flexibility Option would be reduced to less-than ambient noise levels. Nonetheless, as discussed in Response to Comment No. 3-2, pages II-14 through II-21 of the Final EIR, the Draft EIR analysis of noise impacts related to noise measurements at the property lines between the Project Site and the sensitive receptors and assumed that all noise generating construction equipment would be used at the closest point to the sensitive receptor and all used simultaneously for all phases of construction. In practice, however, equipment is used throughout the construction site and not necessarily at the same time. Moreover, the highest levels of construction noise would occur during the demolition, grading and excavation phase. As such, to calculate the precise noise levels that would be generated from construction activities, the specific equipment mix that would be used must be known.

However, the actual equipment mix that would be employed for construction of the Project and the Flexibility Option cannot be precisely determined until a demolition contractor is engaged and specific demolition requirements are identified. At that time, a more refined analysis that takes into account the precise mix of equipment to be used, source levels, and utilization rates, would determine what exact measures must be taken to ensure that the noise levels at the upper floors of the sensitive receptor are also less than significant. Mitigation measure MM NOI-2 incorporates a plan that identifies and requires construction equipment controls prior to demolition to ensure that noise levels do not exceed the threshold of 5 dBA over ambient levels during construction. Specifically, to address construction sound levels above the ground floor at Receptor 1 (Biscuit Company Lofts and Toy Company Lofts), MM NOI-2 requires that, prior to any demolition and excavating/grading, the Project Applicant must have a qualified acoustic specialist submit a noise mitigation plan for the review and approval of the Department of City Planning and the Department of Building and Safety that defines any additional sound barriers, beyond what is required pursuant to MM NOI-1, the specific equipment mix to be used, noise mufflers and buffer distances for specific pieces of equipment to reduce the effect of construction noise on the above ground-floor units at Receptor 1 to less than a 5-dBA increase, based on the actual mix of equipment to be used, source levels, and utilization rates. Demonstration of compliance with this mitigation measure would be required prior to construction. As discussed in Response to Comment 3-2 of the Final EIR, there are adequate noise reduction strategies to achieve the requirements of this mitigation measure These strategies, would result in significant reductions in noise levels over equipment usage without such strategies and a combination of the strategies, based on the actual equipment mix, would result in construction noise levels that would not exceed 5 dBA over ambient noise levels and thereby ensure that noise impacts are reduced to less than significant at all the floors of Receptor 1.

Therefore, the City is using this mitigation strategy to address noise impacts above the second floor because details for a more specific measure are infeasible and impractical at this time since, among other reasons, until a demolition contractor is engaged to determine the specific equipment mix and availability of mitigation methods, more specific plans cannot be developed. In accordance with CEQA Guidelines Section 15126.4(a)(1)(B), the City finds that MM NOI-2 is therefore an appropriate mitigation measure because the City has committed itself to the mitigation, specific performance standards are identified in the mitigation, and potential actions that can feasibly achieve that performance standard have been identified.

Therefore, with incorporation of MM NOI-1 and NOI-2, construction noise impacts would be reduced to less-than-significant levels. Accordingly, Project and Flexibility Option noise impacts from on-site construction activities would be less than significant with mitigation.

(ii) Cumulative:

For the reasons set forth on pages IV.H-43 through IV.H-44 of the Draft EIR, construction of the Project or the Flexibility Option in combination with the Related Projects has the potential to increase construction noise if the construction activities overlap. Two of the Related Project, Related Project No.1, located approximately 55 east of the Project Site and Related Project No. 10 located approximately 450 feet northeast of the Project Site, are currently under construction and, therefore, are unlikely to have overlapping construction schedules. The other Related Projects which are within 500 feet of the Project Site could possibility have overlapping construction schedules that would impact the same sensitive receptors as the Project and the Flexibility Option. However, like the

Project and the Flexibility Option, these Related Projects would be required to comply with the City's Noise Ordinance Nos. 144,331 and 161,574 and would be subject to LAMC Section 41.40, which limits the hours of allowable construction activities, and LAMC Section 112.05, which prohibits any powered equipment or powered hand tool from producing noise levels that exceed 75 dBA at a distance of 50 feet from the noise source within 500 feet of a residential zone unless compliance is technically infeasible. Moreover, they would be subject to mitigation measures similar to MM NOI-1 to reduce the noise emanating from their construction sites. Therefore, with the Related Projects also complying with City requirements regarding construction noise impacts, if there is overlapping construction, cumulative construction noise levels will not exceed the City's applicable standard of 75 dBA at the nearby sensitive receptors and would not contribute to a 5 dBA or greater increase in ambient noise level at receptor locations in the Project Site vicinity. As a result, with implementation of mitigation measure MM NOI-1, the Project and the Flexibility Option would not have a cumulatively considerable contribution to on-site construction noise impact. As such, the Project and the Flexibility Option cumulative impacts with mitigation would be less than significant.

(f) Reference:

For a complete discussion of noise impacts, please see Section IV.H, *Noise*, and Appendix I, *Noise Calculations,* of the Draft EIR.

VII. SIGNIFICANT AND UNAVOIDABLE IMPACTS

The Final EIR determined that the environmental impact set forth below is significant and unavoidable. In order to approve the Project and the Flexibility Option with significant unmitigated impacts, the City is required to adopt a Statement of Overriding Considerations, which is set forth in Section XI below. No additional environmental impact other than human annoyance resulting from groundborne vibrations, as identified below, will have a significant effect or result in a substantial or potentially substantial adverse effect on the environment as a result of the construction of the Project or the Flexibility Option. The City finds and determines that:

a) All significant environmental impacts that can be feasibly avoided have been eliminated, or substantially lessened through implementation of the project design features and/or mitigation measures; and

b) Based on the Final EIR, the Statement of Overriding Considerations set forth below, and other documents and information in the record with respect to the construction and operation of the Project and the Flexibility Option, the remaining unavoidable significant impact, as set forth in these Findings, is overridden by the benefits of the Project and the Flexibility Option as described in the Statement of Overriding Considerations for the construction and operation of the Project or the Flexibility Option and implementing actions.

1. Noise (Construction – Human Annoyance from Groundborne Vibration)

(a) Impact Summary:

(i) Human Annoyance:

As described on pages IV.H-38 through IV.H-39 and page IV.H-41 of the Draft EIR, the nearest sensitive receptors for human annoyance for construction groundborne vibrations are the residential uses within the National Biscuit Company Building, the Toy Factory Lofts, and the Amp Lofts, all of which are located approximately 55 feet from the Project Site boundary. The highest groundborne vibration levels during construction would be from large bulldozers, caisson drilling, and loaded trucks which would exceed the annoyance threshold for these land uses. However, there are no feasible mitigation

measures that could reduce the groundborne vibrations from these construction sources to below the levels of significance. Accordingly, Project and Flexibility Option human annoyance impacts from construction vibrations would be significant and unavoidable.

(ii) Cumulative:

For the reasons described above in Section V of these Findings and in pages IV.H-44 through IV.H-45 of the Draft EIR, due several factors including the rapid attenuation characteristics of groundborne vibration and the distance of the Related Projects to the sensitive receptors, there would be no potential for cumulative construction-period impacts with respect to human annoyance from groundborne vibration and, therefore, impacts would be less than significant without mitigation.

(b) Project Design Features: No specific Project Design Features are proposed with regard to human annoyance from construction groundborne vibration impacts.

(c) Mitigation Measures: No feasible Mitigation Measures are available with regard to human annoyance from construction groundborne vibration impacts.

(d) Finding:

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

(e) Rationale for Finding:

As described on pages IV.H-38 through IV.H-39 and page IV.H-41 of the Draft EIR, the nearest sensitive receptors for vibration annoyance are the residential uses within the National Biscuit Company Building, the Toy Factory Lofts, and the Amp Lofts, all of which are located approximately 55 feet from the Project Site boundary. The vibration criteria associated with human annoyance is determined by the type of use and frequency of occurrence as shown in in Table IV.H-4, *Groundborne Vibration Criteria for General Assessment*. The Draft EIR utilized a conservative threshold for human annoyance of 72 VdB, which is the threshold for residential uses when there are a frequent number of vibration events per day. As presented in Table IV.H-13, *Vibration Source Levels for Construction Equipment,* the highest groundborne vibration levels that would be experienced at 50 feet from the source during construction would be 78 VdB for large bulldozers and caisson drilling, and 77 VdB for loaded trucks. Bulldozers use and caisson drilling would take place at the Project Site property line, and therefore, within 55 feet of the Toy Factory Lofts, National Biscuit Company Building and Amp Lofts which are located immediately across Mateo Street and Imperial Street from the Project Site, respectively. Similarly, loaded trucks could use Mateo Street and Imperial Street adjacent to these sensitive receptors for off-site hauling of excavated soil. As such, groundborne vibration resulting from large bulldozers, caisson drilling, and/or loaded trucks during construction could exceed the 72 VdB annoyance threshold at the National Biscuit Company, the Toy Factory Lofts, and the Amp Lofts. As such, impacts with respect to human annoyance resulting from construction generated vibration under the Project and the Flexibility Option would be potentially significant.

Potential vibration-reducing mitigation measures would include eliminating vibration-

producing construction equipment and increasing the distance between the source of vibration and the receptor. However, neither the Project nor the Flexibility Option can be constructed without employing equipment that generates the highest vibration levels, including the use of bulldozers, caisson drilling and haul trucks. Moreover, as the Project Site and sensitive receptor property boundaries are fixed, the distance between the use of the equipment and the sensitive receptor cannot be reduced. An additional measure that could potentially reduce vibration impacts on sensitive receptors would be installation of a wave barrier, which is typically a trench, or a thin wall made of sheet piles installed in the ground (essentially a subterranean sound barrier to reduce noise). However, wave barriers must be very long and very deep to be effective and constructing such a wave barrier would, in and of itself, generate groundborne vibration from the excavation equipment in close proximity to the sensitive receptors, or be infeasible due to soil conditions. Therefore, no feasible mitigation measures are available to address this impact. However, while significant and unavoidable, this impact would be temporary and limited to times when the construction activities that generate the highest vibration levels are taking place in close proximity to sensitive receptors, would be limited to site clearing, grading, and shoring activities, and would only occur during allowable construction hours 7:00 A.M to 9:00 P.M. Monday through Friday, and 8:00 A.M. to 6:00 P.M. on Saturday. Nonetheless, as the construction activities will generate vibration levels that exceed the threshold for human annoyance, the Project's and the Flexibility Option's impacts with respect to human annoyance from construction generated vibrations would be significant and unavoidable.

(f) Reference:

For a complete discussion of noise impacts, including vibration impacts, please see Section IV.H, *Noise*, and Appendix I, *Noise Calculations,* of the Draft EIR.

VIII. Alternatives

CEQA requires that an EIR analyze a reasonable range of feasible alternatives that could substantially reduce or avoid the significant impacts of a project while also meeting the project's basic objectives. An EIR must identify ways to substantially reduce or avoid the significant effects that a project may have on the environment (PRC Section 21002.1). Accordingly, the discussion of alternatives shall focus on alternatives to a project or its location which are capable of avoiding or substantially reducing any significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives or would be more costly. The alternative analysis included in the Draft EIR, therefore, identified a reasonable range of project alternatives focused on avoiding or substantially reducing the Project's or the Flexibility Option's significant impacts.

A. Summary of Findings

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

B. Project Objectives

An important consideration in the analysis of alternatives to the Project is the degree to which such alternatives would achieve the objectives of the Project. Chapter II, *Project Description*, of the Draft EIR set forth the Project Objectives defined by the Applicant and

the Lead Agency. The underlying purpose of the Project and the Flexibility Option is to develop a mixed-use development that includes publicly accessible open spaces that complement the uses in the Arts District with its live/work units, commercial retail and art production space, and that enhances the City's economic base, provides community serving amenities for the existing community, and is respectful of the existing surrounding neighborhoods. The specific objectives of the Project are as follows:

1. Promote the Arts District neighborhood as a creative environment with a visually distinctive building that complements the distinct urban community, providing public art/façade treatments and art-production and gallery space;
2. Provide infill redevelopment with an integrated mixed-use project that is economically viable and serves the needs of the Arts District community with new live/work, commercial, and art/production opportunities;
3. Encourage walkability and pedestrian safety in the Arts District with a project that would incorporate pedestrian-scaled improvements including lighting and landscaping, ground-floor commercial spaces and an inviting publicly accessible plaza and pedestrian paseo mid-block between Mateo and Imperial Streets that complements existing and future pedestrian activity in the Arts District;
4. Contribute towards meeting the City's housing demands by increasing housing supply within the multi-modal, transit-accessible Arts District with live/work units, including affordable live/work units for Very Low Income households;
5. Support regional mobility goals and local regional growth policies by encouraging a mixed-use development in and around activity centers so as to reduce vehicle trips and public infrastructure costs, and provide easy access and amenities for pedestrians and bicyclists; and
6. Promote fiscal benefits, economic development, and job creation in the City through the construction and operation of a mixed-use development providing live/work units for a range of household types and an array of commercial spaces that attracts a diverse residents and visitors to the City's Arts District, and which generates local tax revenue and supports local businesses.

C. Alternatives Analyzed

1. No Project Alternative

(a) Description of Alternative:

The No Project Alternative (Alternative 1) assumes that no new development would occur within the Project Site. The portion of the Project Site that would have been occupied by the Project or the Flexibility Option would remain developed with an industrial building and an associated surface parking lot.

(b) Impact Summary:

As no new development would occur on the Project Site under Alternative 1, the existing warehouse and surface parking lot would remain, and no new improvements would be developed. Although Alternative 1 would avoid most of the impacts of the Project and the Flexibility Option, it would not implement the beneficial impacts of the Project and the Flexibility Option related to water quality and transportation, and would maintain the existing daily work VMT, which currently exceeds the threshold of 7.6 work VMT per capita. Moreover, as Alternative 1 would not change the existing uses, Alternative 1 would not meet the Project's and the Flexibility Option's underlying purpose to revitalize the Project Site by developing a high-quality mixed-use development that includes publicly

accessible open spaces and that complements the uses in the Arts District with its live/work units, commercial retail, and art production space, and that enhances the City's economic base, provides community serving amenities for the existing community, and is respectful of the existing surrounding neighborhoods, and, therefore, it would not achieve any of the Project Objectives.

(c) Finding:

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

(d) Rationale for Finding:

As described on pages VI-15 through VI-24 of the Draft EIR, Alternative 1 would generally reduce the Project's environmental impacts due to lack of any construction, and, therefore, is environmentally superior to the Project. However, Alternative 1 would not improve existing conditions related to drainage since it would not implement BMPs and LID measures which would be implemented under the Project and the Flexibility Option. Additionally, while Alternative 1 would have no household VMT since it contains no residential uses, Alternative 1 would maintain the estimated 1,070 daily work VMT for the current uses resulting in a daily work VMT per employee of 11.4, which exceeds the Central APC significance threshold of 7.6 VMT per employee and is greater than the Project's (7.4) and the Flexibility Option's (7.6) daily work VMT per employee. Moreover, Alternative 1 would not meet the Project's or Flexibility Option's underlying purpose or primary objectives to develop the Project Site with a transit-oriented development that includes publicly accessible open spaces and that complements the uses in the Arts District with its live/work units, commercial retail, and art production space. In addition, Alternative 1 would not meet any of the Project Objectives.

(e) Reference: Refer to Section VI, *Alternatives*, of the Draft EIR.

2. Reduced Density and Reduced Density Option Alternative (Alternative 2)

(a) Description of Alternative:

(i) Reduced Density:

Under the Reduced Density Alternative (Alternative 2a) the building envelope and density would be reduced by approximately 25 percent. As a result, the height of the proposed development would be reduced by two stories and the construction would be reduced to an approximately 148,016-square-foot mixed-use building including up to 139 live/work units, approximately 11,490 square feet of open space for residents up to 17,535 square feet of art-production and commercial space, and associated parking facilities. Parking would be reduced to two subterranean levels. Therefore, while the design and configuration of Alternative 2a would be similar to the Project and the Flexibility Option, Alternative 2a would result in a mixed-use development with approximately 75 percent of the mass of the Project or the Flexibility Option, a reduction in excavation depth from 47 feet below ground to approximately 37 feet below ground surface, and fewer residents (approximately 336 residents as compared to the Project's 448 residents and the Flexibility Option's 385 residents).

(ii) Reduced Density Option:

Similar to the Project, Alternate 2 also includes an option to implement increased commercial floor area. The Reduced Density Option (Alternative 2b), would provide the

flexibility to increase the commercial square footage within the same building parameters as Alternative 2a and, in turn, reduce the number of live/work units from 139 live/work units to 119 live/work units. Under Alternative 2b, the live/work units on the second floor would be replaced with commercial space for a total of approximately 34,405 square feet of commercial space which would consist of office and art production-related uses. Additionally, the amount of common open space provided under Alternative 2b would be the same as under Alternative 2a; however, the amount of private open space would be reduced to 11,153 square feet commensurate to the reduction in live/work units.

(b) Impact Summary:

Alternatives 2a and 2b would reduce but not avoid the significant and unavoidable impacts related human annoyance due to construction groundborne vibration. Additionally, impacts related to VMT would be greater than the Project and the Flexibility Option, although still less than significant. However, because of the reduced scale of development, the duration of construction-related impacts would be less than under the Project and the Flexibility Option. Overall, except as to VMT, because of reduced building size, occupancy, and vehicle trips, Alternative 2a and Alternative 2b would incrementally reduce or be similar to the Project's and the Flexibility Option's less-than-significant, or less-than-significant with mitigation, impacts related to air quality, cultural resources, geology and soils, paleontological resources, GHG emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, noise (except construction vibration human annoyance impacts), population and housing, public services, transportation, tribal cultural resources, utilities and service systems, energy conservation and wildfire. Nonetheless, Alternatives 2a and 2b would not maximize the number of new market-rate and affordable housing units at the Project Site as the Project or the Flexibility Option and, therefore, would not meet the existing housing demand in the City and the Arts District community to the same extent as the Project or the Flexibility Option nor as fully promote local and regional mobility objectives or job opportunities.

(c) Finding:

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

(d) Rationale for Finding:

As described on pages VI-25 through VI-71 of the Draft EIR, Alternative 2a and Alternative 2b would meet the Project's and the Flexibility Option's underlying purpose to revitalize the Project Site by developing a mixed-use development that includes publicly accessible open spaces, complements the uses in the Arts District with its live/work units, commercial retail, and art production space, enhances the City's economic base, provides community serving amenities for the existing community, and is respectful of the existing surrounding neighborhoods. However, Alternative 2a and Alternative 2b would have less than significant but greater impacts with regards to VMT as described in Appendix L.3, *Alternatives Memo,* of the Draft EIR. Alternative 2a would generate daily trips which would result in an estimated 5.1 daily household VMT per capita, which is below the Central APC significance threshold of 6.0 VMT per capita, but more than the daily household 5.0 VMT per capita of the Project and the Flexibility Option. The estimated daily household VMT for Alternative 2b would be the same as for the Project and the Flexibility Option, 5.0. As for employee VMT, Alternative 2a would result in an estimated 7.5 daily work VMT per employee, which is less than the Central APC significance threshold of 7.6 VMT per

employee, but more than the daily work VMT per employee for the Project (7.4), and less than the daily work VMT per employee for the Flexibility Option (7.6). Alternative 2b would result in an estimated 7.6 daily work VMT per employee, which is more than the daily work VMT per employee for the Project (7.4), and similar to the daily work VMT per employee for the Flexibility Option (7.6). As such, Alternative 2a VMT impacts would be less than significant but greater than either the Project or the Flexibility Option and Alternative 2b VMT impacts would be less than significant but greater than the Project and similar to the Flexibility Option.

Additionally, since Alternative 2a and Alternative 2b would have one less level of underground parking, the duration of the activities producing the highest vibration levels would be reduced. However, the vibrations causing human annoyance would not be eliminated as construction would still require the use of bulldozers, caisson drilling and haul truck movement. Therefore, construction vibration resulting in human annoyance would be still be significant and unavoidable, although less than the Project and the Flexibility Option because of reduced construction duration.

Moreover, while Alternative 2a and Alternative 2b would meet the underlying purpose of the Project and the Flexibility Option and promote all six Project objectives, Alternative 2a and Alternative 2b would meet several Project Objectives to a lesser degree. Alternative 2a and Alternative 2b would not maximize infill development, cluster jobs and housing near transit, create jobs in both construction and operation, or activate the Arts District area to the same extent as under the Project or the Flexibility Option. Since Alternative 2a and Alternative 2b would have less new market-rate and affordable housing units at the Project Site than under either the Project or the Flexibility Option, Alternative 2a and Alternative 2b would not meet the existing housing demand in the City and the Arts District community to the same extent as the Project or the Flexibility Option. Similarly, the reduced size of Alternative 2a and Alternative 2b would result in less construction and operation jobs and lower population and, therefore, would also not as fully promote local and regional mobility objectives or job opportunities. Additionally, while Alternative 2a and Alternative 2b would shorten the construction period, they would not reduce the Project's and the Flexibility Option's significant and unavoidable impact associated with construction vibration human annoyance to a less-than-significant level.

(e) Reference:

Refer to Section VI, *Alternatives*, and Appendix L.3, of the Draft EIR.

3. Commercial Use with Aboveground Parking

(a) Description of Alternative:

Under the Commercial Use with Aboveground Parking Alternative (Alternative 3), the Project's and the Flexibility Option's building envelope and density would be reduced by approximately 88 percent. Alternative 3 would result in the construction of an approximately 23,380-square-foot commercial building including up to 15,005 square feet of restaurant floor area and 8,375 square feet of retail floor area and associated parking facilities. The total building height would be approximately 31 feet. Alternative 3 would have on-site aboveground parking for 47 parking spaces. While the general architectural design of Alternative 3 would be similar to the Project and the Flexibility Option, the configuration would differ in order to accommodate ground level parking with a second story for commercial uses. There would be no live/work uses and therefore, no affordable housing units, nor would there be open space under Alternative 3.

(b) Impact Summary:

By reducing the size of the project and eliminating the need for underground excavation, Alternative 3 would eliminate the significant and unavoidable construction vibration impacts related to human annoyance that would result from the Project and the Flexibility Option. However, impacts related to land use and planning while still less than significant would be greater than the Project or the Flexibility Option because it would not provide residential units and would, therefore, not be consistent with the goals of providing housing in proximity to existing transit contained in the Framework and Housing Elements and the Central City North Community Plan. Additionally, Alternative 3 would not increase pedestrian connectivity from Mateo Street to Imperial Street due to the aboveground parking garage requiring a larger footprint at the ground level and eliminating the pedestrian throughway, and would, therefore, not be consistent with the goals and objectives of Mobility Plan 2035 and 2010 Bicycle Plan to the same extent as the Project and Flexibility Option.

Overall, except as described above, because of reduced building size, occupancy, and vehicle trips, Alternative 3 would incrementally reduce or be similar to the Project's and the Flexibility Option's less-than-significant, or less-than-significant with mitigation, impacts related to air quality, cultural resources, geology and soils, paleontological resources, GHG emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, noise, population and housing, public services, transportation, tribal cultural resources, utilities and service systems, energy conservation and wildfire. Nonetheless, while Alternative 3 would reduce the Project's and the Flexibility Option's significant and unavoidable groundborne vibration impacts, Alternative 3 would only partially meet the Project Objective of providing an infill mixed-use development and would not meet any of the other five Project Objectives.

(c) Finding:

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

(d) Rationale for Finding:

As described on pages VI-73 through VI-96 of the Draft EIR, and page III-50 of the Final EIR, by reducing the size of the project and eliminating the need for underground excavation, Alternative 3 would eliminate the significant and unavoidable construction vibration impacts related to human annoyance that would result from the Project and the Flexibility Option. However, impacts related to consistency with land use and planning, as well as consistency with transportation plans, while still less than significant would be greater than the Project or the Flexibility Option.

Although Alternative 3 would comply with the Project Site's current zoning designations and would therefore be more consistent with existing land use and zoning designations than the Project or the Flexibility Option, Alternative 3 would not provide residential units and would, therefore, not be consistent with the goals of providing needed housing in proximity to existing transit contained in the Framework and Housing Elements and the Central City North Community Plan. In addition, Alternative 3 would not increase pedestrian connectivity from Mateo Street to Imperial Street. Therefore, although Alternative 3 would not specifically conflict with circulation system plans, it would be compatible with circulation system plans to a lesser degree when compared to the Project

and the Flexibility Option. As such, Alternative 3 land use consistency impacts would be less than significant but greater than either the Project or the Flexibility Option.

Moreover, Alternative 3, would only partially meet the Project's and the Flexibility Option's underlying purpose to revitalize the Project Site since it would reduce development by 88 percent and would not include residential uses. Alternative 3 would meet, to a lesser extent due to its smaller size and lack of housing, the Project Objective of supporting regional mobility goals and local regional growth policies by encouraging a mixed-use development in and around activity centers so as to reduce vehicle trips and public infrastructure costs, and provide easy access and amenities for pedestrians and bicyclists (Project Objective Number 5). However, it would not meet any of the other Project Objectives since Alternative 3 would only consist of retail and restaurant commercial space and no live/work units or office space and thereby not provide infill redevelopment with an integrated mixed-use project that is economically viable and serves the needs of the Arts District community with new live/work, commercial, and art/production opportunities.

(e) Reference:

Refer to Section VI, *Alternatives*, of the Draft EIR.

4. Existing Zoning – Industrial Use

(a) Description of Alternative:

Under the Existing Zoning – Industrial Use Alternative (Alternative 4), the approximately 44,800 square foot lot area (1.03 acres) would be developed with 67,200 square feet of floor area with an FAR of 1.5. The development under Alternative 4 would be all industrial uses provided in a single one to two-story building totaling approximately 30 feet in height. The architectural design and configuration of Alternative 4 would represent a more utilitarian design, and would not include the live/work components and associated open space that would be provided under the Project and the Flexibility Option. Alternative 4 would provide approximately 134 vehicle parking spaces in one level of subterranean parking. Thus the main differences between Alternative 4 and the Project and the Flexibility Option would be the construction of an all industrial development and the reduction in total square footage, elimination of two levels of underground parking and building height.

(b) Impact Summary:

Due to the elimination of housing and the development of an industrial use, Alternative 4 would have less than significant but greater impacts than the Project and the Flexibility Option related to hazards and hazardous materials, land use and planning consistency, employee population growth, and transportation plan consistency. Additionally, it would reduce but not avoid the significant and unavoidable impacts related human annoyance due to construction groundborne vibration.

Overall, except as described above, Alternative 4 would incrementally reduce or be similar to the Project's and the Flexibility Option's less-than-significant, or less-than-significant with mitigation, impacts related to air quality, cultural resources, geology and soils, paleontological resources, GHG emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, noise (except construction vibration human annoyance impacts), population and housing, public services, transportation, tribal cultural resources, utilities and service systems, energy conservation and wildfire. Nonetheless, as an industrial use only development, Alternative 4 would not meet any of the Project Objectives.

(c) Finding:

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

(d) Rationale for Finding:

As described on pages VI-97 through VI-121 of the Draft EIR, due to its industrial-only use, Alternative 4 would not meet the Project's and the Flexibility Option's underlying purpose to revitalize the Project Site by developing a mixed-use development that includes publicly accessible open spaces, complements the uses in the Arts District with its live/work units, commercial retail, and art production space, enhances the City's economic base, provides community serving amenities for the existing community, and is respectful of the existing surrounding neighborhoods, and would not meet any of the Project Objectives. Additionally, although Alternative 4 would reduce some of the Project's less-than-significant and less-than-significant with mitigation impacts, it would not eliminate its significant and unavoidable impacts pertaining to human annoyance related to construction groundborne vibrations. Alternative 4 would reduce the amount of excavation required because it would only contain one subsurface parking level which would reduce the duration of vibration from activities that would produce the highest vibration levels. However, construction would still require the use of bulldozers, caisson drilling and haul truck movement, and, therefore, construction vibration resulting in human annoyance would be still be significant and unavoidable, although less than the Project or the Flexibility because of reduced construction duration.

Moreover, some of Alternative 4's impacts would be greater than the Project and the Flexibility Option, although still less than significant. Alternative 4's industrial uses would generate hazardous materials in greater quantities and intensities than the Project's and the Flexibility Option's commercial and residential uses. As a result, Alternative 4 would be required to comply with all applicable federal, state and local regulations and manufacturers' instructions with regard to hazardous materials production, use, storage, disposal and transport, and, therefore, Alternative 4 would not exacerbate the current environmental conditions so as to create a significant hazard to the public or the environment. However, the operational impacts would be greater than under the Project or the Flexibility Option. Similarly, due to its industrial-only use, Alternative 4 would be consistent with the Project Site's current zoning, but would be consistent with other applicable land use and transportation plans to a lesser extent than the Project and the Flexibility Option. Alternative 4 would not be consistent with the goals of providing needed housing and services in proximity to existing transit contained in the General Plan Framework and Housing Elements and the Central City North Community Plan.

In addition, Alternative 4 would not provide pedestrian enhancements along Mateo Street and Imperial Street, bicycle facilities, or electric vehicle chargers, and would not improve the walkability in the area or increase pedestrian connectivity from Mateo Street to Imperial Street and would, therefore, not be consistent with the goals and objectives of Mobility Plan 2035 and 2010 Bicycle Plan to the same extent as the Project or Flexibility Option. Finally, Alternative 4 would have greater direct impacts with regards to employee population growth. As shown in Table VI-21, *Alternative 4 Net Employee Generation*, of the Draft EIR, Alternative 4 is estimated to generate approximately 237 employees, as compared to the Project's approximately 92 employees and the Flexibility Option's

approximately 151 employees. Alternative 4's 237 employees would still be within SCAG's projections for employment growth. As such, direct employment impacts under Alternative 4 would be less than significant but greater than the Project's and the Flexibility Option's less-than-significant impacts.

(e) Reference:

Refer to Section VI, *Alternatives*, of the Draft EIR.

D. Alternatives Rejected as Infeasible

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

1. Alternate Project Site:

Pursuant to CEQA Guidelines Section 15126.6(f)(2), in addition to considering whether an alternative site would avoid or substantially lessen impacts, various factors may be considered when addressing the feasibility of an alternative site. Factors considered may include general suitability, economic viability, and whether the proponent can reasonably acquire, control, or otherwise have access to the alternative site.

The Project Applicant cannot reasonably acquire, control, or access an alternate site in a timely fashion that would result in implementation of a project with similar uses and size in the Arts District. The Project Applicant already owns the Project Site, and its location is conducive to the main Project Objective of developing a mixed-use project with new market rate and affordable live/work units with art-production and commercial space within the Arts District in a TPA.

Given that the Arts District is densely developed, contains numerous conversions of existing properties to residential uses, and contains historical buildings, even if another site that could accommodate the Project or the Flexibility Option could be located within the Arts District, similar impacts would occur related to the significant and unavoidable human annoyance impacts due to construction vibrations. Additionally, development of the Project or the Flexibility Option at an alternate site within the Arts District could potentially produce other environmental impacts that would otherwise not occur at the current Project Site and result in greater environmental impacts when compared with the Project and the Flexibility Option. For example, given the age of many of the structures in the area, an alternate site could contain historic buildings that could be impacted by development. Thus, since an alternative site in the Arts District is unlikely to reduce or eliminate the Project's and the Flexibility Option's significant and unavoidable impact and could result in additional significant impacts and since the Project Proponent cannot reasonably acquire, control or otherwise have access to an alternative site, this alternative was rejected from further consideration.

E. Environmentally Superior Alternative

Section 15126.6(e)(2) of the CEQA Guidelines indicates that an analysis of alternatives to a project shall identify an Environmentally Superior Alternative among the alternatives evaluated in an EIR. The CEQA Guidelines also state that should it be determined that

the No Project Alternative is the Environmentally Superior Alternative, the EIR shall identify another Environmentally Superior Alternative among the remaining alternatives. Pursuant to Section 15126.6(c) of the CEQA Guidelines, the analysis below addresses the ability of the alternatives to "avoid or substantially lessen one or more of the significant effects" of the Project.

For the reasons described on page IV-123 of the Draft EIR, and summarized in Table VI-2, *Summary of Alternatives' Impacts,* of the Draft EIR, Alternative 3, the Commercial Use and Aboveground Parking Alternative, would be environmentally superior to the Project and the Flexibility Option. For most environmental issues, Alternative 3 would result in lesser degrees of impacts due to overall reduction in development, and would avoid the Project's and the Flexibility Option's significant and unavoidable construction vibration impact related to human annoyance, as Alternative 3 would not include excavations. However, Alternative 3 would have greater less-than-significant impacts related to consistency with land use and transportation circulation plans. Additionally, Alternative 3 will not meet five of the six Project Objectives, including not providing any live/work or affordable housing units, open space, and plazas. Alternative 3 meets the remaining Project objective to a lesser extent than the Project or the Flexibility Option. In conclusion, although Alternative 3 would not meet all the Project Objectives or meet them to a lesser extent, because Alternative 3 would result in reducing the Project's and the Flexibility Option's significant and unavoidable impact to less than significant, it is considered to be the Environmentally Superior Alternative. Therefore, as discussed above, the City finds that this Reduced Project Alternative is less desirable than the Project and rejects this alternative.

IX. SIGNIFICANT IRREVERSIBLE ENVIRONMENTAL CHANGES

Section 15126.2(d) of the CEQA Guidelines indicates that an EIR should evaluate any significant irreversible environmental changes that would occur should the proposed project be implemented. The types and level of development associated with the project would consume limited, slowly renewable, and non-renewable resources. This consumption would occur during construction of the Project and would continue throughout its operational lifetime. The development of the Project would require a commitment of resources that would include: (1) building materials and associated solid waste disposal effects on landfills; (2) water; and (3) energy resources (e.g., fossil fuels) for electricity, natural gas, and transportation. However, The Project Site contains no energy resources that would be precluded from future use through Project implementation. For the reasons set forth in Section IV, *Environmental Impacts,* and Section V, *Other CEQA Considerations,* pages V-3 through V.4, of the Draft EIR, the Project's and the Flexibility Option's irreversible changes to the environment related to the consumption of nonrenewable resources would not be significant, and the limited use of nonrenewable resources is justified.

A. Building Materials and Solid Waste:

Construction of the Project or the Flexibility Option would require consumption of resources that are not replenishable or that may renew so slowly as to be considered non-renewable. These resources would include certain types of lumber and other forest products, aggregate materials used in concrete and asphalt (e.g., sand, gravel and stone), metals (e.g., steel, copper and lead), petrochemical construction materials (e.g., plastics), and water. Fossil fuels, such as gasoline and oil, would also be consumed in the use of

construction vehicles and equipment. The consumption of these resources would be spread out through the construction period. As described on pages IV.M-73 through IV.M-74, IV.M-76 through IV.M-77 and IV.M-79 through IV.M-83 of the Draft EIR, the solid waste generated by the Project or the Flexibility Option can be accommodated within existing infrastructure capacity. Furthermore, Project and Flexibility Option construction would comply with all regulations and policies regarding solid waste disposal, reduction and recycling. Based on current capacity available in the County for the disposal of solid waste, the Project's and the Flexibility Option's construction and demolition waste would represent approximately 0.0010 percent of the inert waste disposal capacity in the region. Furthermore, the use of these materials would not occur in an inefficient or wasteful manner given that Project construction would adhere to the sustainability requirements of Title 24, the Los Angeles Green Building Code, and CALGreen.

With regards to solid waste generated during operation, as described on pages IV.M-74 through IV.M-83 of the Draft EIR, the Project or the Flexibility Option would generate solid waste that is typical of a residential mixed-use and be consistent with all federal, State, and local statutes and regulations regarding proper disposal, reduction and recycling. Net daily operational waste generated would represent less than one percent (0.008 percent for the Project and 0.010 percent for the Flexibility Option) of the excess daily tonnage permitted at the Sunshine Canyon Landfill. Therefore, Project's operational waste generation would not exceed the permitted capacity of disposal facilities serving the Project Site. Additionally, the Project and the Flexibility Option would promote source reduction and recycling consistent with the City's Solid Waste Integrated Resources Plan, Framework Element, LA Green Plan, and LAMC including the LA Green Building Code. As such, the Project and the Flexibility Option would not generate solid waste in excess of State, regional or local standards, or in excess of the capacity of local infrastructure, or otherwise impact the attainment of solid waste reduction goals.

B. Water:

As described on pages IV.G-31 and IV.M-30 of the Draft EIR, the Project and the Flexibility Option would comply with all applicable regulations and policies regarding reduction in indoor and outdoor water demand, including, installing waterless urinals, ultra-low-flow toilets in all bathrooms, low-flow aerators, and drought tolerant landscaping, which would reduce water use by at least 50 percent. During construction, water usage would be limited and temporary and, as it would be less than water demand during operation, it would not exceed available capacity. In regards to operation, as described on pages IV.M-26 through IV.M-28 and IV.M-32 through IV.M-33 of the Draft EIR, and as shown on Tables IV.M-3, *Estimated Daily Water Consumption*, and IV.M-4, *Estimated Daily Water Consumption for the Flexibility Option*, the Project's and the Flexibility Option's estimated water demand would be well within the projected City water supplies through 2040; representing approximately 0.0061 percent of the projected water supply during average years and approximately 0.0058 percent of the projected water supplies during single-dry and multiple-dry years for the Project and approximately 0.0057 percent of average years and approximately 0.0055 percent of single-dry and multiple-dry years for the Flexibility Option. Therefore, water usage for the Project and the Flexibility Option would not be excess of supply and would not be wasteful or inefficient.

C. Energy Consumption and Air Quality:

The Project and the Flexibility Option would comply with the LA Green Building Code, which would reduce resource consumption through compliance with energy efficiency requirements and complying with California Title 24 Building Energy Efficiency Standards,

as adopted by the City. The Project and the Flexibility Option would also meet the mandatory measures of the CALGreen Code as adopted by the City, by incorporating energy and resource conservation measures, including sizing and designing the heating, ventilation, and air conditioning (HVAC) system in compliance with the CALGreen Code to maximize energy efficiency.

In addition, the Project and the Flexibility Option would achieve several objectives of the Framework Element, the 2016-2040 RTP/SCS, and the AQMP for establishing a regional land use pattern that promotes sustainability and reduction in GHG emissions. Accordingly, the Project's and the Flexibility Option's continued use of non-renewable resources would be on a relatively small scale and consistent with regional and local growth forecasts in the area, as well as State and local goals for reductions in the consumption of such resources. Therefore, the Project and Flexibility Option would not result in potentially significant environmental impacts due to the wasteful, inefficient, and unnecessary consumption of energy resources during construction or operation and would not significantly affect local and regional supplies or capacity

D. Environmental Hazards:

For the reasons described on pages IV.E-23 through IV.E-25 and Appendices F.1, Phase I ESA and F.2, Methane Investigation, of the Draft EIR, during construction the Project and the Flexibility Option would comply with all applicable regulations regarding the known substances on the Project Site, asbestos and lead based paint, as well as all applicable regulations regarding the accidental release of hazardous materials. Additionally, the proposed uses for the Project Site would not generate hazardous materials while compliance with applicable regulations and manufacturers' instruction would minimize exposure to people and ensure safe use, storage, and disposal of any chemicals, including common cleaning and maintenance materials. As such, the Project and the Flexibility Option would not cause irreversible damage due to environmental accidents associated with the use of typical, potentially hazardous materials.

X. Growth-Inducing Impacts

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

As described on pages V-4 through V-6 of the Draft EIR, while the Project would include new development and directly generate new residents and employees, the Project and the Flexibility Option would not result in unanticipated direct or indirect growth.

As detailed in Section IV.I, *Population and Housing*, of the Draft EIR, neither the Project nor the Flexibility Option would induce housing growth beyond forecasted levels. Instead, it would serve to meet a portion of housing demand currently forecasted for the City. Furthermore, the mixed-use Project and the Flexibility Option would provide new housing and employment within the Central City North Community Plan Area and within a HQTA, an area targeted for high-density

development and near existing employment centers. Thus, the Project's and Flexibility Option's new development would be consistent with the established SCAG regional forecast for the City, and would contribute to an infill growth pattern that is encouraged locally in the City by the Framework Element and the Central City North Community Plan. Accordingly, the Project and the Flexibility Option would not induce unanticipated direct growth.

Although the Project and the Flexibility Option would provide new residential and commercial uses, it would not necessitate the extension of roads or other infrastructure as the Project Site is located in a developed area of the City and connections to all local utility infrastructures, including water, wastewater, electricity, and natural gas, are readily available to the Project Site. Also, the Project's location near existing transit opportunities would increase those transit option's viability through increased ridership as a result of the introduction of new users, which would potentially reduce, rather than increase, the need for additional infrastructure. Therefore, the Project and the Flexibility Option would not result in utility infrastructure expanding into a new area nor cause growth (i.e., new housing or employment generators) or accelerate development in an undeveloped area that exceeds projected/planned levels, and that would result in an adverse physical change in the environment, or introduce unplanned infrastructure. As such, the Project and the Flexibility Option would not foster indirect growth-inducing impacts.

XI. Energy Conservation

As described in Section IV.N*, Energy,* and summarized on pages IV.N-36 and IV.N-53 through IV.N-54 of the Draft EIR, the Project and the Flexibility Option would include features that comply with all applicable energy conservation measures. Specifically, the Project and the Flexibility Option would comply with the LA Green Building Code which requires compliance with the Title 24 standards and portions of the CALGreen Code that have been adopted in LAMC Chapter 9, Article 9 (Green Building Code), and is considered to be more stringent than State requirements. Water demand and associated energy needed for water conveyance would be minimized by including the installation water efficient plumbing such as low-flow and high efficiency showerheads, toilets, and urinals, as well as landscaping consisting of native and drought-tolerant plants and water efficient irrigation. The HVAC system would be sized and designed to maximize energy efficiency caused by heat loss and heat gain. Moreover, as an infill development within a TPA, the Project and the Flexibility Option would be located in a transportation efficient area, would result in increased land use diversity and mixed-uses on the Project Site by including different types of land uses near one another, would be located in an area that offers access to multiple existing nearby destinations including retail, grocery, restaurant, office, and residential uses as well as public transit stations and stops. These land use characteristics and features would minimize VMT and thereby conserve transportation fuel needed for the Project's and the Flexibility Option's mobile sources. As discussed in Section V.B.14, *Energy,* above, the Project and the Flexibility Option would not result in potentially significant environmental impacts due to wasteful, inefficient or unnecessary consumption of energy resources during Project or Flexibility Option construction or operation, conflict with or obstruct a State or local plan for renewable energy or energy efficiency, or require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects.

XII. STATEMENT OF OVERRIDING CONSIDERATIONS

The EIR identifies unavoidable significant impacts that would result from implementation of the Project or the Flexibility Option. Section 21081 of the PRC and Section 15093(b) of the CEQA Guidelines provide that when a decision of a public agency allows the occurrence of significant

impacts that are identified in the EIR, but are not at least substantially mitigated to an insignificant level or eliminated, the lead agency must state in writing the reasons to support its action based on the EIR and/or other information in the record. The State CEQA Guidelines require, pursuant to CEQA Guidelines Section 15093(b), that the decision-maker adopt a Statement of Overriding Considerations at the time of approval of a project if it finds that significant adverse environmental effects have been identified in the EIR that cannot be substantially mitigated to an insignificant level or be eliminated. These findings and the Statement of Overriding Considerations are based on the documents and materials that constitute the record of proceedings, including, but not limited to, the EIR and all technical appendices attached thereto.

Based on the analysis provided in Chapter IV, *Environmental Impact Analysis*, of the Draft EIR, implementation of the Project or the Flexibility Option would result in significant impacts that cannot be feasibly mitigated with respect to: Human Annoyance from Construction Groundborne Vibrations.

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

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

- **The Project and the Flexibility Option Would Support City and Regional Land Use and Environmental Goals.**
  The Project would substantially improve the existing conditions on the Project Site, transforming the Site from an industrial and commercial site to a mixed-use residential and commercial development that: incorporates pedestrian-oriented building design; provides ground-level commercial uses, retail and open space uses and an improved streetscape; includes architectural design that enhances the aesthetic character of Arts District; provides publicly accessible pedestrian paseo which will provide connectivity between the building's frontages and provide a landscaped connection through the Project Site from Mateo Street to Imperial Street. In addition, the Project would: be consistent with the Regional Center Commercial land use designation of the Project Site; create a diverse mix of uses

that supports the needs of the City's existing and future residents, businesses, and visitors as called for by the Framework Element and Community Plan; create a mixed-use development which would stimulate local investment and employment; and, reduce VMT and associated traffic and air emissions by providing high-density mixed-use development on an urban infill site within a TPA in close proximity to transit including the Metro Local Lines 18, 53, 60, 62, 66 and Metro Rapid 720 and 760 bus lines and the Metro Gold Line Little Tokyo/Arts District Station which is located approximately one mile south of the Project Site. Therefore, the Project would be in accordance with the land use and environmental goals of the Framework Element, Mobility Plan 2035, Health and Wellness Element, Central City North Community Plan, and SCAG's 2016–2040 and 2020–2040 RTP/SCS. In addition to the publicly accessible open space, the development would provide open space and residential amenities in several distinct areas, including a swimming pool and spa, fitness and recreation rooms, courtyard with planters for cultivating fruits and vegetables, arts and production space, yoga deck, outside dining area, and terraces. In addition, a number of live/work units would include private balconies. All of which will enhance the livability of the area in conformance with the Framework Element's Open Space and Conservation Chapters.

- **The Project and the Flexibility Option Would Support City and Regional Housing Goals.**
  The City's Housing Element states that the City must strive to meet the housing needs of the population in a manner that contributes to a stable, safe, and livable neighborhoods, and improves access to jobs and neighborhood services, particularly by encouraging future housing develop near transit corridors and stations. The Project would support these overall housing goals by providing a range of new housing including 185 new live/work units that would add to the citywide housing supply (or 159 units under the Flexibility Option); provide new jobs associated with Project office, retail and restaurant uses that are accessible to Metro local and rapid bus lines along 6th Street, 7th Street, Alameda Street, and Santa Fe Avenue, and by being an infill, urban-scale development that would be reflective of the expected visual character of the area as it develops in accordance with adopted land use plans, including the Central City North Community Plan. Specifically, the Project and the Flexibility Option would promote Objective 4.2 of the Framework Element by providing a range of housing opportunities within proximity to multiple public transportation options. The Project would also further many of the objectives and policies of the Housing Element such as: Objective No. 2.2 through development of a mixed-use development with a range of housing options including affordable housing within a TPA; Objective 2.3 through compliance with sustainable building regulations including compliance with energy efficiency requirements such installing energy-efficient appliances and equipment; Policy 2.3.2 by reducing water consumption through water conservation measures such as installing low flush toilets; Policy 2.3.3 by minimizing energy consumption through green building design features such as including a highly efficient HVAC; and, Policy 2.3.4 by reducing waste during construction and operation through such methods as recycling and salvaging demolition waste which would result, at a minimum, in 75 percent diversion from the landfill, recycling construction materials such as concrete cylinder test samples and steel reinforcing bars and, by recycling solid waste recycling during Project operation, all as required by law and Project Design Features PDFs SW-3 through SW-5. Lastly, the Project would

help the City meets its fair share of regional housing demand as identified in SCAG's 5th Cycle RHNA.

- **The Project and the Flexibility Option Would Provide Economic Development, Employment Opportunities and Tax Revenue for the City.**
  The Project and the Flexibility Option would have a positive economic impact on the City by generating revenue for the City in the form of sales and property taxes from construction and operation of the Project including the office and arts-production, retail and restaurant uses. The Project will generate 92 new long-term jobs on-site while the Flexibility Option will generate 151 long-term jobs. In addition, the Project and the Flexibility Option would introduce new residents into the neighborhood to patronize local retail, services, and restaurants. Specifically, the Project and the Flexibility Option would support Objective 7.2 of the Framework Element's Economic Chapter to establish a balance of land uses that provides for commercial development which meets the needs of local residents, sustains economic growth, and assures maximum feasible environmental quality by providing a mixed-use development consisting of 185 live/work units and up to 23,380 square feet of commercial uses (or 159 live/work units and 45,873 square feet in the Flexibility Option) that would serve the community and future businesses. The proposed neighborhood-serving retail, restaurant, and office and art production-related uses would complement the employment base of the Central City North Community Plan area, meet the needs of local residents, and foster continued economic investment. In addition, the Project Site would have convenient access to public transit (such as the Metro Gold Line Little Tokyo/Arts District Station) and opportunities for walking and biking, thereby facilitating a reduction in vehicle trips, VMT, and air pollution to ensure maximum feasible environmental quality. Thus, The Project and the Flexibility Option would generate new economic opportunities for the Downtown area in general and the Arts District in particular.

- **The Project and the Flexibility Option Would Represent Smart Growth.**
  The Project and the Flexibility Option would represent mixed-use development and the intensification of urban density in the highly urbanized Downtown Los Angeles area within a City-designated TPA and SCAG-designated HQTA in close proximity to transit (such as the Metro L Line (Gold) Little Tokyo/Arts District Station. Furthermore, the Project and the Flexibility Option would not require the extension of roads or utility infrastructure, and would not result in urban sprawl. The Project and the Flexibility Option would also provide housing in close proximity to existing jobs, thereby contributing to jobs-housing balance. These characteristics are consistent with good planning practice, and would reduce VMT, fuel consumption, and associated greenhouse gas emissions.

- **The Project and the Flexibility Option Would Represent Sustainable Development.**
  In addition to representing smart growth (for example locating new uses in proximity to major transit), the Project has been designed, and would be constructed, to incorporate environmentally sustainable building features and construction protocols required by the City's Green Building Code and CALGreen. The Project and the Flexibility Option would include support of multiple State, regional, and City Planning sustainability and energy consumption goals such as:

- Reduction of Sprawl and Reliance on Single Passenger Vehicles: The Project and the Flexibility Option would locate high-density mixed-use residential development at an urban infill location that is in close proximity to jobs-rich centers and within walking distance to public transit, retail and restaurants, and entertainment venues, thereby, contributing to a land use pattern that would reduce reliance on private automobiles and VMT and GHG emissions. The Project and the Flexibility Option would also incorporate a transportation demand measures (TDM) through PDF TR-2 will include, but shall not be limited to, the following two strategies: (i) a reduced parking supply strategy to provide less on-site parking required in the LAMC and (ii) a bicycle parking strategy to ensure provision of short and long-term bicycle parking to support safe and comfortable bicycle travel. Thus, the Project and the Flexibility Option would support the 2020-2045 RTP/SCS as well as the City's goals for developments within a TPA and reduction of VMT and, thereby, a reduction in GHG emissions.

- Reduce Energy Consumption: The Project and the Flexibility Option's new development would promote the City's sustainability goals by being constructed to incorporate environmentally sustainable design features such as reducing water consumption by installation of water efficient fixtures and water efficient landscaping; promoting alternatives to conventionally fueled automobiles though electric vehicle charging stations and prewiring for future electric vehicle needs; and optimizing building energy performance through compliance with the Title 24 standards.

  All of which would reduce energy and water usage and waste generation, reduce associated greenhouse gas emissions and promote resource conservation.

- **The Project and the Flexibility Option Would Enhance the Arts District**:

  - The Project and the Flexibility Option would provide approximately 9,290 square feet of outdoor common space, including the pedestrian paseo.
  - The Project's and the Flexibility Option's provision of ground floor retail and restaurant uses would further promote pedestrian activity, promote walkability, and enliven the Arts District area.
  - The Project and the Flexibility Option would provide enhanced streetscape by providing new trees on the ground level (both on-site and in the street right-of-way) and on the eighth level in the common open space area. On-site ground level trees would line the paseo. All of which will improve the appearance of the Project vicinity and enhance the walkability of the area.

  - The Project's and the Flexibility Option's paseo and provision of retail and restaurant uses would enhance the pedestrian experience within the Arts District since it would provide commercial uses within walking distance for existing and future residents, employees, and visitors, to further activate pedestrian activity at and around the Project Site and reduce vehicle trips

XIII. GENERAL FINDINGS

1. The City, acting through the Department of City Planning, is the “Lead Agency” for the Project and the Flexibility Option evaluated in the EIR. The City finds that the EIR was prepared in compliance with CEQA and the CEQA Guidelines. The City finds that it has independently reviewed and analyzed the EIR for the Project and the Flexibility Option, that the Draft EIR which was circulated for public review reflected its independent judgment and that the Final EIR reflects the independent judgment of the City.

2. The EIR evaluated the following potential project and cumulative environmental impacts: air quality, cultural resources, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, noise, population and housing, public services, transportation, tribal cultural resources, utilities and service systems, energy and wildfire, alternatives, and other CEQA considerations. Additionally, the EIR considered, in separate sections, Significant Irreversible Environmental Changes and Growth Inducing Impacts. The significant environmental impacts of the Project and the Flexibility Option and the alternatives were identified in the EIR.

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

4. Textual refinements (specifically, Revisions, Clarifications, and Corrections to the Draft EIR) were compiled and presented to the decision-makers for review and consideration. The City staff has made every effort to notify the decision-makers and the interested public/agencies of each textual change in the various documents associated with Project review. These textual refinements arose for a variety of reasons. First, it is inevitable that draft documents would contain errors and would require clarifications and corrections. Second, textual clarifications were necessitated to describe refinements suggested as part of the public participation process.

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

6. The Final EIR documents changes to the Draft EIR. Having reviewed the information contained in the Draft EIR, the Final EIR, and the administrative record,

as well as the requirements of CEQA and the CEQA Guidelines regarding recirculation of Draft EIRs, the City finds that there is no new significant impact, substantial increase in the severity of a previously disclosed impact, significant new information in the record of proceedings or other criteria under CEQA that would require additional recirculation of the Draft EIR, or that would require preparation of a supplemental or subsequent EIR. Specifically, the City finds that:

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

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

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

7. The mitigation measures identified for the Project and the Flexibility Option were included in the Draft EIR and Final EIR. As revised, the final mitigation measures for the Project and the Flexibility Option are described in the Mitigation Monitoring Program (MMP). Each of the mitigation measures identified in the MMP is incorporated into the Project and the Flexibility Option. The City finds that the impacts of the Project and the Flexibility Option have been mitigated to the extent feasible by the mitigation measures identified in the MMP.

8. CEQA requires the Lead Agency approving a project to adopt a MMP or the changes to the project which it has adopted or made a condition of project approval in order to ensure compliance with the mitigation measures during project implementation. The mitigation measures included in the EIR as certified by the City and revised in the MMP as adopted by the City serve that function. The MMP includes all of the mitigation measures and project design features adopted by the City in connection with the approval of the Project and the Flexibility Option and has been designed to ensure compliance with such measures during implementation of the Project or the Flexibility Option. In accordance with CEQA, the MMP provides the means to ensure that the mitigation measures are fully enforceable. In accordance with the requirements of Public Resources Code Section 21081.6, the City hereby adopts the MMP.

9. In accordance with the requirements of PRC Section 21081.6, the City hereby adopts each of the mitigation measures expressly set forth herein as conditions of approval for the Project and the Flexibility Option.

10. The custodian of the documents or other materials which constitute the record of proceedings upon which the City decision is based is the City of Los Angeles, Department of City Planning.

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

12. The City is certifying an EIR for, and is approving and adopting findings for, the entirety of the actions described in these Findings and in the EIR as comprising the Project and the Flexibility Option.

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

FINDINGS OF FACT (SUBDIVISION MAP ACT)

In connection with the approval of Vesting Tentative Tract Map No. 74890-CN, the Advisory Agency of the City of Los Angeles, pursuant to Sections 66473.1, 66474.60, .61 and .63 of the State of California Government Code (the Subdivision Map Act), makes the prescribed findings as follows:

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

Section 66411 of the Subdivision Map Act (Map Act) establishes that local agencies regulate and control the design of subdivisions. Chapter 2, Article I, of the Map Act establishes the general provisions for tentative, final, and parcel maps. The subdivision, and merger, of land is regulated pursuant to Article 7 of the Los Angeles Municipal Code (LAMC). The LAMC implements the goals, objectives, and policies of the General Plan, through zoning regulations, including Specific Plans.

Specifically, LAMC Section 17.06 B requires that the tract map be prepared by or under the direction of a licensed surveyor or registered civil engineer. It is required to contain information regarding the boundaries of the Project Site, as well as the abutting public rights-of-ways, hillside contours for hillside properties, location of existing buildings, existing and proposed dedication, and improvements of the tract map. The Vesting Tentative Tract Map was prepared by a Registered Professional Engineer and contains the required components, dimensions, areas, notes, legal description, ownership, applicant, and site address information as required by the LAMC. The Vesting Tract Map

has been filed for the merger and re-subdivision of eight existing lots into one ground lot and for condominium purposes for live/works units and commercial units on an approximately 1.03-acre site and a haul route for the export of up to 74,500 cubic yards of soil.

Pursuant to LAMC Section 17.05 C, tract maps are to be designed in conformance with the tract map regulations to ensure compliance with the various elements of the General Plan, including the Zoning Code. Additionally, the maps are to be designed in conformance with the Street Standards established pursuant to LAMC Section 17.05 B. The Land Use Element of the General Plan consists of the 35 Community Plans within the City of Los Angeles. The Community Plans establish goals, objectives, and policies for future developments at a neighborhood level. Additionally, through the Land Use Map, the Community Plan designates parcels with a land use designation and zone. The Land Use Element is further implemented through the LAMC. The zoning regulations contained within the LAMC regulate, but are not limited to, the maximum permitted density, height, parking, and the subdivision of land.

The 1.03-acre Project Site is located within the Central City North Community Plan Area (Community Plan). The Community Plan land use designation for the Project Site is Heavy Manufacturing. According to the Community Plan, the corresponding zone for the Heavy Manufacturing land use designation is M3. The Project site is zoned M3-1-RIO, which is consistent with the land use designation. and is also subject to Footnote 6 of the Plan, which limits the Floor Area Ratio on the site to 1.5:1, but which can be increased through a zone change height district change procedure

The Project Applicant is requesting a General Plan Amendment to change the land use designation from Heavy Manufacturing to Regional Commercial and a Vesting Zone and Height District Change from M3-1-RIO to (T)(Q)C2-2-RIO. Pursuant to LAMC Section 12.22 A.18, any lot in the C2 Zone, provided that such lot is located within an area designated as Regional Commercial within the adopted Community Plan, is permitted to develop at the R5 density, or one dwelling unit for every 200 square feet of lot area. With the proposed street dedications, the lot area of the Project Site is 42,598 net square feet, which permits a maximum density of 212 dwelling units. The Project proposes a total of 185 new live/work units, of which eleven percent of the total proposed units (11 units) would be set aside for Very Low-Income Households, or in the Flexibility Option up to 159 live/work units. Contingent upon the approval of the General Plan Amendment and Vesting Zone and Height District Change, the Project would be permitted a maximum 6:1 FAR. Therefore, the proposed merger and re-subdivision of the Project Site of eight existing lots into one ground lot and for live/work units and commercial condominium units, with an FAR below 6:1, would be consistent with these regulations.

Therefore, as conditioned, the proposed map demonstrates compliance with LAMC Sections 17.05 C and 17.06 B and is consistent with the applicable General Plan.

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

For purposes of a subdivision, design and improvement is defined by Section 66418 of the Subdivision Map Act and LAMC Section 17.02. Section 66418 of the Subdivision Map Act defines the term “design” as follows: “Design” means: (1) street alignments, grades and widths; (2) drainage and sanitary facilities and utilities, including alignments and

grades thereof; (3) location and size of all required easements and rights-of-way; (4) fire roads and firebreaks; (5) lot size and configuration; (6) traffic access; (7) grading; (8) land to be dedicated for park or recreational purposes; and (9) such other specific physical requirements in the plan and configuration of the entire subdivision as may be necessary to ensure consistency with, or implementation of, the general plan or any applicable specific plan. Further, Section 66427 of the Subdivision Map Act expressly states that the "Design and location of buildings are not part of the map review process for condominium, community apartment or stock cooperative projects."

LAMC Section 17.05 enumerates design standards for a tract map and requires that each map be designed in conformance with the Street Design Standards and in conformance with the General Plan. LAMC Section 17.05 C, third paragraph, further establishes that density calculations include the areas for residential use and areas designated for public uses, except for land set aside for street purposes ("net area"). LAMC Section 17.06 B and 17.15 lists the map requirements for a tentative tract map and vesting tentative tract map. The design and layout of the map is consistent with the design standards established by the Subdivision Map Act and LAMC regulations.

The vesting tentative tract map design includes the merger and re-subdivision of eight existing lots into one ground lot and for condominium purposes for a mixed-use development on an approximately 1.03-acre site.

The design and layout of the map is consistent with the design standards established by the Subdivision Map Act and Division of Land Regulations of the LAMC. Several public agencies (including the Bureau of Engineering, Department of Building and Safety, Grading Division and Zoning Division, Bureau of Sanitation, Bureau of Street Services and Urban Forestry, Bureau of Street Lighting, Los Angeles Fire Department, Los Angeles Unified School District, Department of Transportation, Department of Water and Power, and Department of Recreation and Parks) have reviewed the map and found the subdivision design satisfactory, and have imposed improvement requirements and/or conditions of approval.

Specifically, the Bureau of Engineering reviewed the tract map for compliance with the Street Design Standards and pursuant to the letter dated May 31, 2018, requires dedication along Mateo Street and Imperial Street, and improvements along Mateo Street and Imperial Street. Bureau of Engineering has indicated that Imperial Street adjacent to the Property is classified as "Collector" Street, and BOE applied Industrial Collector Street standards to the project, which requires a 9-foot dedication to complete a 34-foot-wide half right-of-way, 24-foot half roadway, and a 10-foot-wide sidewalk. Imperial Street adjacent to the Property has an existing 25-foot-wide half right-of-way, 17-foot-wide half roadway, and an 8-foot-wide sidewalk. Accordingly, the Applicant requests waiver of a 1-foot additional dedication and instead to provide an 8-foot dedication and 33-foot half right-of-way consistent with the Mobility Plan's Collector Street dimensions in-lieu of the 9-foot dedication pursuant to the Industrial Street right of way dimensions.

The Project, like many others in the surrounding area represents the changing nature of the Arts District from primarily industrial uses to a mix of commercial and residential uses. As a result, the streets in this area would no longer require the street dimensions of an Industrial Collector Street, which are meant to accommodate large truck traffic. Rather, the Collector Street standard is more conducive to the residential and commercial mix of uses, for which wider sidewalks and a slightly narrower roadway are more appropriate.

For example, the property immediately to the south of the Project Site was only required to provide a 7-foot dedication to complete a 32-foot half-roadway in 1985, while the properties east of the Project Site were more recently only required to provide either a 7-foot or an 8-foot dedication to complete a 33-foot half-roadway in 1997 and 2016, respectively. The 33-foot half-roadway condition is consistent along the entire length of the eastern side of Imperial Street from 7th Street to Jesse Street. Therefore, allowing for the Project to similarly be subject to a 33-foot half-roadway condition would be consistent with requirements for similar adjacent development projects.

Furthermore, the additional 1-foot dedication to complete the Industrial Collector half-right-of-way dimensions rather than the Collector dimensions along the Project's Imperial Street frontage is not necessary to meet the City's mobility needs for the next 20 years based on the guidelines established by the Streets Standards. The Project incorporates mobility-friendly design elements such as expanded, landscaped sidewalks, a pedestrian pathway connecting Mateo Street and Imperial Street, and bicycle parking facilities consistent with the City's Bicycle Parking Ordinance to provide friendly, safe, and convenient access to nearby neighborhood uses and various nearby transit options. The Project site is located within a Transit Priority Area, as defined by Public Resources Code §21099. These Project and neighborhood elements would further support the purpose of the Streets Standards Committee's guidelines, which is to ensure that "safety, accessibility, and convenience for all transportation users pedestrians, bicyclists, transit riders, and motorists is accommodated."

Therefore, the Deputy Advisory Agency has modified the required dedication and improvements on Imperial Street to require an 8-foot dedication to provide a 33-foot half right-of-way, 20-foot half roadway, and 13-foot-wide sidewalk consistent with the Collector Street dimensions of the Mobility Plan.

In addition, the Bureau of Engineering has recommended the construction of the necessary on-site mainline sewers and all necessary street improvements will be made to comply with the Americans with Disabilities Act (ADA) of 2010. The Bureau of Sanitation reviewed the sewer/storm drain lines serving the subject tract, determined that sewers are available and have been inspected and deemed adequate in accommodating the Project's sewerage needs. The Department of Building and Safety – Grading Division reviewed the site grading and deemed it appropriate. The Bureau of Street Lighting determined that street lighting improvements shall include the construction of new street lights along both street frontages. Conditions of Approval for the design and improvement of the subdivision are required to be performed prior to the recordation of the tentative map, building permit, grading permit, or certificate of occupancy.

As indicated in Finding (a), LAMC Section 17.05 C requires that the tract map be designed in conformance with the zoning regulations of the Project Site. The 1.03-acre project site is located within the Central City North Community Plan Area (Community Plan). The Community Plan land use designation for the Project Site is Heavy Manufacturing, and is zoned M3-1-RIO. The Project includes a request for a General Plan Amendment to change the land use designation from Heavy Manufacturing to Regional Commercial, and a Zone Change from M3-1-RIO to C2-2-RIO.

The proposed C2 Zone, allows commercial, mixed-use and residential development subject to a minimum lot area of 5,000 square feet. The Project provides a lot area of 42,598 net square feet after dedications, which is greater than the minimum lot area

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

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

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

The relatively flat Project Site is currently improved with an industrial building constructed in 1978 as a warehouse and office building that occupies approximately 26,740 square feet of floor area, and an associated surface parking lot. The Project Site does not contain unique natural geologic features, such as, ridges, canyons, ravines, rock outcrops, water bodies, streambeds, or wetlands. The surface condition of the Project site is hardscaped with concrete and asphalt.

The Vesting Tentative Tract Map would allow for a Project that includes the demolition of the existing buildings and the construction of a new mixed-use development of with up to 185 live-work units and up to 23,380 square feet of commercial floor area, or in the Flexibility Option up to 159 live/work units and 45,873 square feet of floor area, in an eight-story building.

The Project Site is located in an urbanized area and is not located in a Very High Fire Hazard Severity Zone, Alquist Priolo Zone, Fault Rupture Study Area, Flood Zone, Landslide, Liquefaction, or Tsunami Inundation Zone and is not subject to the Specific Plan for the Management of Flood Hazards (floodways, floodplains, mud prone areas, coastal high-hazard and flood-related erosion hazard areas). The Project Site is not located within a designated hillside area, or within a BOE Special Grading Area. The Project Site is not identified as having hazardous waste or past remediation, and the Phase I Environmental Site Assessment (ESA) Report completed for the Project Site found that development of the Project Site would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.

The Department of Building and Safety, Grading Division has reviewed the tract map, and issued a Letter, dated July 13, 2020 stating that that geology/soils reports are not required prior to planning approval of the Tract Map as the property is located outside of a City of Los Angeles Hillside Area; is exempt or located outside of a State of California liquefaction, earthquake induced landslide, or fault-rupture hazard zone; and, does not require any grading or construction of an engineered retaining structure to remove potential geologic hazards.

The Project Site is located in the Methane Buffer Zone. Project Site testing was conducted, and the results are provided in Appendix F.2 of the Draft EIR. The results indicate that several measurable levels of methane were detected during the testing. However, no methane mitigation system would be required, and the Project would comply with all applicable regulations.

In addition, the environmental analysis conducted for the Project found that the tract map and development of the Project would not result in any significant impacts in terms of geological or seismic impacts, hazards and hazardous materials, and fire safety. Finally, prior to the issuance of any permits, the Project would be required to be reviewed and approved by the Department of Building and Safety and the Fire Department. Therefore, based on the above and as conditioned, the Project Site would be physically suitable for the proposed type of development.

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

The General Plan identifies, through its Community and Specific Plans, geographic locations where planned and anticipated densities are permitted. Zoning standards for density are applied to sites throughout the city and are allocated based on the type of land use, physical suitability, and future population growth expected to occur. The adopted Central City North Community Plan designates the Project Site for Heavy Manufacturing land uses and a corresponding zone of M3-1-RIO. The Applicant is seeking a concurrent General Plan Amendment to change the land use designation from Heavy Manufacturing to Regional Commercial and a Vesting Zone and Height District Change from M3-1-RIO to (T)(Q)C2-2-RIO.

Pursuant to LAMC Section 12.22 A.18, any lot in the C2 Zone located, can develop at the R5 density, which allows one dwelling unit for every 200 square feet of lot area. The proposed tract map for the Project includes a net lot area after dedications of 42,598 square feet, which allows a maximum density of 212 dwelling units. The Project proposes a total of 185 new dwelling units and the Flexibly option purposes 159 live/work units with eleven percent of units restricted for Very Low-Income households and 23,380 square feet or 45,876 square feet (Flexibility Option) of commercial space. Contingent upon the approval of the General Plan Amendment and Vesting Zone and Height District Change, the Project would be permitted a maximum 6:1 FAR. Therefore, the proposed merger and re-subdivision of the Project Site of eight existing lots into one ground lot and for live/work and commercial condominium units for a mixed-use development would be consistent with these regulations.

Upon approval of the entitlement requests, and as conditioned therein, the project's proposed density is consistent with the general provisions and area requirements of the Planning and Zoning Code. The Project's floor area, density, and massing is appropriately scaled and situated given the uses in the surrounding area. The area is easily accessible via improved streets and highways. Further, the environmental review conducted by the Department of City Planning (Case No. ENV-2016-3691-EIR (SCH No. 2018021068)), establishes that the physical characteristics of the site and the proposed density of development are generally consistent with existing development and urban character of the surrounding community. Therefore, the Project Site is physically suitable for the proposed density of development.

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

The EIR prepared for the Project identifies no potential adverse impacts on fish or wildlife resources. The Project vicinity is characterized by a concentration of commercial and

manufacturing buildings. The Project Site and immediate vicinity does not contain riparian or other sensitive natural habitat and does not provide a natural habitat for either fish or wildlife. Although the Project is located in a River Improvement Overlay (RIO) District, no water bodies or federally protected wetlands as defined by Section 404 of the Clean Water Act exist on the Project Site. The Project Site does not contain any natural open spaces, act as a wildlife corridor, contain riparian habitat, wetland habitat, migratory corridors, conflict with a Habitat Conservation Plan, nor possess any areas of significant biological resource value.

As discussed in the EIR the landscape plan shows design elements included as part of the Project specifically to meet the Los Angeles River Improvement Overlay District regulations, including landscaping with native trees, plants and shrubs. Prior to issuance of a building permit, the Project Applicant would be required to consult with the Department of City Planning to obtain an Administrative Clearance for compliance with all of the applicable regulations of the Los Angeles River Improvement Overlay District. As such, the Project would be required to comply with the Los Angeles River Improvement Overlay District.

As discussed in the EIR, in-ground trees are located on the Project Site. Along Mateo Street is a silk oak (Grevillea robusta) street tree and along Imperial Street are five crepe myrtle (Lagerstroemia indica) street trees. The existing street trees would be removed during construction. Removal of all street trees in the public right-of-way would require approval of the Board of Public Works, and all existing street trees would be replaced at a ratio of 2:1 in accordance with the requirements of the Urban Forestry Division. Furthermore, the Project proposes to provide at least 46 trees in the common open space areas. The common open space areas will also include various large, medium, and low shrubs and groundcovers. With regard to nesting birds, the Project would comply with the Migratory Bird Treaty Act, which prohibits the take, possession, import, export, transport, sell, purchase, barter, or offer for sale, purchase, or barter, any migratory bird, or the parts, nests, or eggs of such a bird except under the terms of a valid permit issued pursuant to federal regulations. Therefore, no impacts to candidate, sensitive, or special status plant species would occur.

As noted above, the Project Site is presently improved with industrial building constructed in 1978 as a warehouse and office building that occupies 26,760 square feet of floor area, and an associates surface parking lot, and does not contain any natural open spaces, act as a wildlife corridor, contain riparian habitat, wetland habitat, or migratory corridors. The EIR prepared for the Project identifies no potential adverse impacts on fish or wildlife resources. The Project would not conflict with any protected tree ordinance or Habitat Conservation Plan, nor possess any areas of significant biological resource value. Therefore, the design of the subdivision would not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

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

The proposed subdivision and subsequent improvements are subject to the provisions of the LAMC (e.g., the Fire Code, Planning and Zoning Code, Health and Safety Code) and the Building Code. Other health and safety related requirements as mandated by law would apply where applicable to ensure the public health and welfare (e.g., asbestos abatement, seismic safety, flood hazard management).

The Project is not located over a flood hazard area and is not located on unsuitable soil conditions. However, the Project Site has been the subject of past hazardous materials investigation over the years. The past hazardous materials investigations were reviewed and incorporated into the Site Assessment for the Project, included as Appendix F.1 of the Draft EIR. No USTs or PCB-containing equipment are known to be or were observed to be present at the Project Site. However, the Site Assessment noted the potential presence of ACMs and LBP in the existing building on the Project Site due to the age of the building.

During construction, all ACMs would be removed by a licensed abatement contractor in accordance with all Federal, State and local regulations prior to demolition. Mandatory compliance with applicable Federal and State standards and procedures would reduce risks associated ACMs to acceptable levels. With respect to LBP, the contractor will comply with the OSHA Lead In Construction Standard and Cal/OSHA Construction Safety Orders, Lead Section 1532.1, Title 8, California Code of Regulations, including the pre-construction inspection of any previously-identified LBP-containing materials and proper abatement or disposal of any deteriorated LBP-containing materials. Mandatory compliance with applicable Federal and State standards and procedures would reduce risks associated with LBP to acceptable levels.

With respect to methane, although the Project Site is located within a Methane Buffer Zone, the Methane Investigation (Appendix F.2 of the Draft EIR) found that no methane mitigation system would be required with the development of the Project because the results of the methane testing indicate that the Project falls under Design Level III (see Table 1B in Appendix F.2 of the Draft EIR), with less than two inches of water-column gas pressure. Therefore, the Project would comply with Division 71 of the Los Angeles Building Code.

Furthermore, the development of the Project does not propose substantial alteration to the existing topography. Regarding seismic safety, with adherence to State and City building requirements, along with the recommendation from the LADBS Grading Division Letter, dated May 7, 2018, stating that that geology/soils reports are not required prior to planning approval of the Tract Map as the property is located outside of a City of Los Angeles Hillside Area; is exempt or located outside of a State of California liquefaction, earthquake induced landslide, or fault-rupture hazard zone; and, does not require any grading or construction of an engineered retaining structure to remove potential geologic hazards.

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

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

SUBDIVISION.

There are no recorded instruments identifying easements encumbering the Project Site for the purpose of providing public access. The site is surrounded by public streets, alleys and private properties that adjoin improved public streets designed and improved for the specific purpose of providing public access throughout the area. The Project Site does not adjoin or provide access to a public resource, natural habitat, public park, or any officially recognized public recreation area. No streams or rivers cross the Project Site. The Los Angeles River is located approximately 0.2 mile to the east and is separated from the Project Site by railways. Needed public access for roads and utilities will be acquired by the City prior to recordation of the proposed tract. Therefore, the design of the subdivision and the proposed improvements would not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.

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

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

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

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

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

These findings shall apply to both the tentative and final maps for Vesting Tentative Tract Map No. 74550-CN.