

**DEPARTMENT OF  
CITY PLANNING**

COMMISSION OFFICE  
(213) 978-1300

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LISA M. WEBBER, AICP  
DEPUTY DIRECTOR

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DEPUTY DIRECTOR

April 27, 2021

**Applicant**

John Tesoriero  
IMT Capital II Sherman Oaks LLC  
15303 Ventura Boulevard, Suite 200  
Sherman Oaks, CA 91403

**Representative**

Dave Rand, Armbruster, Goldsmith  
and Delvac LLP  
12100 Wilshire Boulevard, Suite 1600  
Los Angeles, CA 90025

**Case No.**

VTT-72802

**Address:**

14130 and 14154 West Riverside  
Drive; 4715-4745 North  
Hazeltine Avenue

**CEQA:**

ENV-2014-1362-EIR  
SCH No. 2014071001

**Plan Overlay:**

River Improvement Overlay  
(RIO)

**Council District:**

4 – Raman

**Neighborhood Council:**

Sherman Oaks

**Community Plan Area:**

Van Nuys-North Sherman Oaks

**Land Use Designation:**

Community Commercial

**Zone:**

(T)(Q)C2-1L-RIO;  
(T)(Q)RAS3-1L-RIO

**LETTER OF CORRECTION**

On September 10, 2019 the Advisory Agency certified the ICON Sherman Oaks Project Environmental Impact Report (EIR), adopted the EIR findings and Mitigation Monitoring Program (MMP), and approved Vesting Tentative Tract Map No. 72802 for the merger and resubdivision of the project site into two ground lots for residential and commercial condominium purposes for a mixed-use project (Reduced Alternative 5) containing 249 multi-family residential units and 27,470 square feet of commercial uses, and a haul route for the export of up to 152,870 cubic yards of soil, as reflected on the approved Tentative Tract Map, stamp-dated August 2, 2019. These actions of the Advisory Agency were not appealed.

As stated above, the Advisory Agency's approval was specifically for two ground lots for residential and commercial condominium purposes. The approval did not include any airspace lots. However, Condition of Approval No. 5 inadvertently included requirements that a set of drawings of airspace lots to be submitted to the City Engineer.

Therefore, as the tentative tract map did not include any airspace lots, and consistent with the approval grant of the Advisory Agency, Condition of Approval No. 5 should be deleted, as follows:

~~5. That a set of drawings for airspace lots be submitted to the City Engineer showing the following:~~

~~a. Plan view at different elevations.~~

~~b. Isometric views.~~

~~c. Elevation views.~~

~~d. Section cuts at all locations where air space lot boundaries change.~~

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DEPUTY DIRECTOR

**ARTHI L. VARMA, AICP**  
DEPUTY DIRECTOR

**LISA M. WEBBER, AICP**  
DEPUTY DIRECTOR

Mailing Date: September 10, 2019

Appeal Period Ends: September 20, 2019

John Tesoriero (A)  
IMT Capital II Sherman Oaks LLC  
15303 Ventura Boulevard, Suite 200  
Sherman Oaks, CA 91403

Dave Rand, Armbruster Goldsmith &  
Delvac LLP (R)  
12100 Wilshire Boulevard, Suite 1600  
Los Angeles, CA 90025

RE: Vesting Tentative Tract Map No.: 72802  
Address: 14130 and 14154 West Riverside  
Drive; 4715 – 4745 North Hazeltine Avenue  
Community Plan: Van Nuys-North Sherman  
Oaks  
Plan Overlay: River Improvement Overlay (RIO)  
Zone: PB-1L-RIO; P-1L-RIO; C2-1L-RIO  
Proposed Zone: C2-1L-RIO; RAS3-1L-RIO  
Council District: 4 – Ryu  
CEQA No.: ENV-2014-1362-EIR

Pursuant to Sections 21082.1(c) and 21081.6 of the Public Resources Code, the Advisory Agency has reviewed and considered the information contained in the Environmental Impact Report prepared for this project, which includes the Draft EIR, No. ENV-2014-1362-EIR (State Clearinghouse House No. 2014071001), dated July 2016, and the Final EIR, dated August 2019 (ICON Sherman Oaks Project EIR), as well as the whole of the administrative record, at a public hearing held on September 5, 2019, for which the public hearing was closed and hearing adjourned at approximately 11:30 a.m., and

**CERTIFIED** the following:

- 1) The ICON Sherman Oaks Project EIR has been completed in compliance with the California Environmental Quality Act (CEQA);
- 2) The ICON Sherman Oaks Project EIR was presented to the Advisory Agency as a decision-making body of the lead agency; and
- 3) The ICON Sherman Oaks Project EIR reflects the independent judgment and analysis of the lead agency.

**ADOPTED** the following:

- 1) The related and prepared ICON Sherman Oaks Project EIR Environmental Findings; and
- 2) Mitigation Monitoring Program prepared for the ICON Sherman Oaks Project EIR.

Pursuant to Section 17.15 of the Los Angeles Municipal Code (LAMC), the Advisory Agency **APPROVED**:

**Vesting Tentative Tract Map No. 72802**, located at 14130 and 14154 West Riverside Drive; 4715 – 4745 North Hazeltine Avenue, for the merger and resubdivision of the project site into **two ground lots for residential and commercial condominium purposes** for a mixed-use project (Reduced Alternative 5) containing 249 multi-family residential units and 27,470 square feet of commercial uses, and a haul route for the export of up to 152,870 cubic yards of soil. Reduced Alternative 5 is reflected on the revised Tract Map, stamp-dated August 2, 2019.

The subdivider is hereby advised that the LAMC may not permit this maximum approved density. Therefore, verification should be obtained from the Department of Building and Safety, which will legally interpret the Zoning code as it applies to this particular property.) For an appointment with the Development Services Center call (213) 482-7077 or (818) 374-5050 or (310) 231-2901.

The Advisory Agency's consideration is subject to the following conditions:

The final map must record within 36 months of this approval, unless a time extension is granted before the end of such period.

The tract shall be permitted to record with final map units in a number and sequence satisfactory to the Advisory Agency.

**NOTE** on clearing conditions: When two or more **agencies** must clear a condition, subdivider should follow the sequence indicated in the condition. For the benefit of the applicant, subdivider shall maintain record of all conditions cleared, including all material supporting clearances and be prepared to present copies of the clearances to each reviewing agency as may be required by its staff at the time of its review.

#### **BUREAU OF ENGINEERING - SPECIFIC CONDITIONS**

*(Additional BOE Improvement Conditions are listed in "Standard Condition" section on page 14)*

1. That a variable width strip of land be dedicated along Hazeltine Avenue adjoining the tract to complete a 43-foot wide half right-of-way in accordance with LA Mobility Plan Avenue II Standards including a 20-foot radius property line return at the intersection with Riverside Drive.
2. That a variable width strip of land be dedicated along Calhoun Avenue adjoining the tract to complete a 60-foot wide right-of-way and a modified cul-de-sac as shown on the tentative map stamp dated August 2, 2019.
3. That a variable strip of land be dedicated along Riverside Drive at the intersection with Hazeltine Avenue adjoining the tract to provide for a turning lane satisfactory to the Department of Transportation.
4. That the subdivider make a request to the Valley District Office of the Bureau of Engineering to determine the capacity of existing sewers in this area.
5. That a set of drawings for airspace lots be submitted to the City Engineer showing the following:

- a. Plan view at different elevations.
  - b. Isometric views.
  - c. Elevation views.
  - d. Section cuts at all locations where air space lot boundaries change.
6. That the owners of the property record an agreement satisfactory to the City Engineer stating that they will grant the necessary private easements for ingress and egress purposes to serve proposed airspace lots to use upon the sale of the respective lots and they will maintain the private easements free and clear of obstructions and in safe conditions for use at all times.
  7. That Board of Public Works approval be obtained, prior to the recordation of the final map, for the removal of any tree in the existing or proposed right-of-way area. The Bureau of Street Services, Urban Forestry Division, is the lead agency for obtaining Board of Public Works approval for removal of such trees.
  8. That a Covenant & Agreement be recorded prior to the recordation of the final map stating that a private house connection sewer easement will be provided over portion of Lot 2 for the benefit of Lot 1.
  9. That the following requirements in connection with grading and construction in and adjacent to public right-of-way or private streets be complied with:
    - a. Fill slopes of approved compacted artificial fill shall be reviewed and approved by the geotechnical engineer and engineering geologist of record and shall be no steeper than 2:1 (H:V). Cut slopes shall be reviewed and approved by the geotechnical engineer and engineering geologist of record and shall be no steeper than 1.5:1 (H:V) when in competent bedrock.
    - b. The toes and crests of all cut and fill slopes shall be located on private property and shall be set back a minimum of 2 and 3 feet, respectively, from the property line.
    - c. Where a fill slope overlies a cut slope, the fill shall be keyed horizontally into bedrock a minimum of 12 feet or the slope shall be overexcavated a minimum of 12 feet and replaced as a compacted fill slope.
    - d. Where expansive soils are determined to underlie proposed improvements on/adjacent to public property and private streets, the consulting soils engineer and geologist shall provide methods for mitigation. Prior to the approval of plans, the City Engineer must approve the proposed method.
    - e. All streets shall be founded upon approved firm natural materials or properly compacted fill. Any existing loose fill, loose soil, or organic material shall be removed prior to the placement of engineered fill.
    - f. Fill material shall be compacted to a minimum of 90 percent relative compaction (95% for granular soils) as defined in Section 300 of the Standard Specifications for Public Works Construction. Fill shall be benched into competent material and bench drains shall be placed in accordance with the City of Los Angeles Grading Code.

- g. All slopes shall be planted and an irrigation system installed as soon as possible after grading to alleviate erosion.
- h. Adequate perforated pipe and gravel subdrain systems approved by the City Engineer shall be placed beneath canyon fills, behind retaining walls and additionally at locations called out by the consulting engineer and geologist of record.
- i. Slopes that daylight adversely dipping bedding, and are not demonstrated per grading code to have strength characteristics sufficient to produce a stable slope, shall be supported by either a retaining wall or a designed buttress fill.
- j. Where not in conflict with the above, the recommendations contained in the following "Updated Geotechnical Investigation, Proposed Mixed-Used Development, 14130 Riverside Drive Los Angeles CA dated September 15 2015", by geotechnical engineer Edward F. Hill (GE2126) and "Geotechnical Engineering Investigation Dated September 16, 2013 and updated May 12, 2014, by geotechnical engineer Reinard T. Knur (GE 2755), shall be implemented

#### **DEPARTMENT OF BUILDING AND SAFETY, GRADING DIVISION**

10. Prior to issuance of a grading or building permit, or prior to recordation of the final map, the subdivider shall make suitable arrangements to assure compliance, satisfactory to the Department of Building and Safety, Grading Division, with all the requirements and conditions contained in the letter dated July 24, 2019 attached to the case file for Tract No. VTT-72802.

#### **DEPARTMENT OF BUILDING AND SAFETY, ZONING DIVISION**

11. Prior to recordation of the final map, the Department of Building and Safety, Zoning Division shall certify that no Building or Zoning Code violations exist on the subject site. In addition, the following items shall be satisfied:
  - a. Provide a copy of CPC case CPC-2014-1361-ZC-MCUP-SPR. Show compliance with all the conditions/requirements of the CPC case as applicable.
  - b. Provide copy of zone change ordinance and show compliance with all the conditions/requirements as applicable. Zone change must be finalized prior to obtaining Zoning clearance.
  - c. Comply with allowed density based on new zone.
  - d. Due to the irregular configuration of Lot 2, the Department recommends that the front, side and rear lot line locations be designated by the Advisory Agency.
  - e. Show all street dedication(s) as required by Bureau of Engineering and provide net lot area after all dedication. "Area" requirements shall be re-checked as per net lot area after street dedication. Front and side yard requirements shall be required to comply with current code as measured from new property lines after dedication(s).
  - f. Required parking spaces are required to remain for the remaining structure on Lot

1. Show location of all provided existing parking spaces and access driveways on its own site. Provide copies of permits and final inspection cards for any new garages or record an off-site parking covenant to provide parking off-site.
- g. Record a Community Driveway easement covenant to provide vehicular access to the parking spaces on Lot 1 through Lot 2.

Notes:

The proposed building plans have not been checked for and shall comply with Building and Zoning Code requirements. With the exception of revised health or safety standards, the subdivider shall have a vested right to proceed with the proposed development in substantial compliance with the ordinances, policies, and standards in effect at the time the subdivision application was deemed complete. Plan check will be required before any construction, occupancy or change of use.

The submitted Map may not comply with the number of parking spaces required by Section 12.21 A 4 (a) based on number of habitable rooms in each unit. If there are insufficient numbers of parking spaces, obtain approval from the Department of City Planning.

The submitted Map may not comply with the number of guest parking spaces required by the Advisory Agency.

If the proposed development does not comply with the current Zoning Code, all zoning violations shall be indicated on the Map.

An appointment is required for the issuance of a clearance letter from the Department of Building and Safety. The applicant is asked to contact Laura Duong at (213) 482-0434 to schedule an appointment.

#### **BUREAU OF STREET LIGHTING**

12. Prior to the recordation of the final map or issuance of the Certificate of Occupancy (C of O), street lighting improvement plans shall be submitted for review and the owner shall provide a good faith effort via a ballot process for the formation or annexation of the property within the boundary of the development into a Street Lighting Maintenance Assessment District.

#### **FIRE DEPARTMENT**

13. Prior to the recordation of the final map, a suitable arrangement shall be made satisfactory to the Fire Department, binding the subdivider and all successors to the following:
  - a. Access for Fire Department apparatus and personnel to and into all structures shall be required.
  - b. Building designs for multi-storied residential buildings shall incorporate at least one access stairwell off the main lobby of the building; But, in no case greater than 150ft horizontal travel distance from the edge of the public street, private street or

Fire Lane. This stairwell shall extend unto the roof.

- c. Entrance to the main lobby shall be located off the address side of the building.
- d. Any required Fire Annunciator panel or Fire Control Room shall be located within 50ft visual line of site of the main entrance stairwell or to the satisfaction of the Fire Department.
- e. Where above ground floors are used for residential purposes, the access requirement shall be interpreted as being the horizontal travel distance from the street, driveway, alley, or designated fire lane to the main entrance of individual units.
- f. Where rescue window access is required, provide conditions and improvements necessary to meet accessibility standards as determined by the Los Angeles Fire Department.
- g. The entrance or exit of all ground dwelling units shall not be more than 150 feet from the edge of a roadway of an improved street, access road, or designated fire lane.
- h. No building or portion of a building shall be constructed more than 150 feet from the edge of a roadway of an improved street, access road, or designated fire lane.
- i. The width of private roadways for general access use and fire lanes shall not be less than 20 feet, and the fire lane must be clear to the sky.
- j. Fire lanes, where required and dead ending streets shall terminate in a cul-de-sac or other approved turning area. No dead ending street or fire lane shall be greater than 700 feet in length or secondary access shall be required.
- k. Fire lane width shall not be less than 20 feet. When a fire lane must accommodate the operation of Fire Department aerial ladder apparatus or where fire hydrants are installed, those portions shall not be less than 28 feet in width.
- l. Submit plot plans indicating access road and turning area for Fire Department approval.
- m. All parking restrictions for fire lanes shall be posted and/or painted prior to any Temporary Certificate of Occupancy being issued.
- n. Where access for a given development requires accommodation of Fire Department apparatus, overhead clearance shall not be less than 14 feet.
- o. No framing shall be allowed until the roadway is installed to the satisfaction of the Fire Department.
- p. Any required fire hydrants to be installed shall be fully operational and accepted by the Fire Department prior to any building construction.
- q. All parking restrictions for fire lanes shall be posted and/or painted prior to any Temporary Certificate of Occupancy being issued.

- r. Plans showing areas to be posted and/or painted, "FIRE LANE NO PARKING" shall be submitted and approved by the Fire Department prior to building permit application sign-off.
- s. Electric Gates approved by the Fire Department shall be tested by the Fire Department prior to Building and Safety granting a Certificate of Occupancy.
- t. No building or portion of a building shall be constructed more than 300 feet from an approved fire hydrant. Distance shall be computed along path of travel.
- u. Any roof elevation changes in excess of 3 feet may require the installation of ships ladders.
- v. Site plans shall include all overhead utility lines adjacent to the site.

#### **DEPARTMENT OF WATER AND POWER**

- 14. Arrangements shall be made for compliance with the Los Angeles Department of Water and Power (LADWP) Water System Rules and requirements, satisfactory to the LADWP memo dated October 8, 2014. Upon compliance with these conditions and requirements, LADWP's Water Services Organization will forward the necessary clearances to the Bureau of Engineering. (This condition shall be deemed cleared at the time the City Engineer clears Condition No. S-1.(c).)

#### **DEPARTMENT OF RECREATION AND PARKS**

- 15. That the Quimby Fee be based on the RAS3 and C2 Zones. Note: since this tract case is vested, the Project is not subject to the update in RAP fees per Ordinance No.184,505.

#### **BUREAU OF SANITATION**

- 16. That any proposed development in close proximity to easements contained within the property secure Department of Public Works approval.

#### **INFORMATION TECHNOLOGY AGENCY**

- 17. To assure that cable television facilities will be installed in the same manner as other required improvements, please email [cabletv.ifa@lacity.org](mailto:cabletv.ifa@lacity.org) that provides an automated response with the instructions on how to obtain the Cable TV clearance. The automated response also provides the email address of 3 people in case the applicant/owner has any additional questions.

#### **URBAN FORESTRY DIVISION AND THE DEPARTMENT OF CITY PLANNING**

- 18. Prior to the issuance of a grading permit, a plot plan prepared by a reputable tree expert, indicating the location, size, type, and condition of all existing trees on the site shall be submitted for approval by the Department of City Planning. All trees in the public right-of-way shall be provided per the current Urban Forestry Division standards.

**Note:** Removal of all trees in the public right-of-way shall require approval of the Board of Public Works. Contact: Urban Forestry Division at: (213) 485-5675. Failure to comply with

this condition as written shall require the filing of a modification to this tract map in order to clear the condition.

#### DEPARTMENT OF CITY PLANNING-SITE SPECIFIC CONDITIONS

19. Prior to the recordation of the final map, the subdivider shall prepare and execute a Covenant and Agreement (Planning Department General Form CP-6770) in a manner satisfactory to the Planning Department, binding the subdivider and all successors to the following:
  - a. Limit the proposed development to two ground space lots for residential and commercial condominium purposes.
  - b. Off-street parking for residential and commercial uses shall comply with the requirements of Case No. CPC-2014-1361-ZC-MCUP-SPR. In the event that Case No. CPC-2014-1361-ZC-MCUP-SPR is not approved, the project shall comply with LAMC Section 12.21-A,4.
  - c. The applicant shall install an air filters capable of achieving a Minimum Efficiency Rating Value (MERV) of at least 13 or better.
  - a. That a solar access report shall be submitted to the satisfaction of the Advisory Agency prior to obtaining a grading permit.
  - b. That the subdivider considers the use of natural gas and/or solar energy and consults with the Department of Water and Power and Southern California Gas Company regarding feasible energy conservation measures.
  - c. Recycling bins shall be provided at appropriate locations to promote recycling of paper, metal, glass, and other recyclable material.
  - d. The applicant shall install shielded lighting to reduce any potential illumination affecting adjacent properties.
20. Prior to the issuance of the building permit or the recordation of the final map, a copy of CPC-2014-1361-ZC-MCUP-SPR shall be submitted to the satisfaction of the Advisory Agency. In the event CPC-2014-1361-ZC-MCUP-SPR is not approved, the subdivider shall submit a tract modification.
21. Haul Route Conditions
  - a. Loaded haul vehicles traveling from the project site shall travel via the following haul route, with the preferred destination being the Lopez Canyon Landfill.
    - i. Haul vehicles traveling from the project site to the Lopez Canyon Landfill shall exit the site onto Riverside Drive, and then either:
      1. Travel west on Riverside Drive to Van Nuys Boulevard, turn left on Van Nuys Boulevard, and merge onto northbound US-101, continuing north on I-405 to eastbound CA-118, and exit Paxton

Street to the Lopez Canyon Landfill; or

2. Travel east on Riverside Drive to Woodman Avenue, turn right onto Woodman Avenue, and merge onto northbound US-101, continuing north on I-405 to eastbound CA-118, and exit Paxton Street to the Lopez Canyon Landfill.
- b. Empty haul vehicles traveling to the project site facility shall use one of the following travel paths:
    - i. Haul Vehicles traveling to the project site from the Lopez Canyon Landfill Pit shall exit the landfill and head southwest on Paxton Street, merge onto westbound CA-118, continue to I-405 south, to US-101 south, exiting on Van Nuys Boulevard; travel north on Van Nuys Boulevard, turn right on Riverside Drive and continue to the project site; or
    - ii. Haul Vehicles traveling to the project site from the Lopez Canyon Landfill shall exit the landfill and head southwest on Paxton Street, merge onto westbound CA-118, continue to I-405 south, to US-101 south, exiting on Woodman Avenue; travel north on Woodman Avenue, turn left on Riverside Drive and continue to the project site; or
  - c. Hauling hours of operation are restricted to the hours between 7:00 A.M. and 4:00 P.M., Monday through Saturday.
  - d. No hauling activity shall occur on Sunday.
  - e. A total of approximately 242 truck trips per day will occur.
  - f. Haul vehicles are dump trucks with 6 axels, carrying 15.5 cubic yards per truck, and a maximum gross weight of 80,000 pounds.
  - g. There shall be no staging or parking of construction vehicles, including vehicles to transport workers on any adjacent residential streets.
  - h. Total net export of material is approximately 152,870 cubic yards.
  - i. Truck Crossing" warning signs shall be placed 300 feet in advance of the exit in each direction.
  - j. A minimum of two flag attendants, each with two-way radios, will be required during hauling hours to assist with staging and getting trucks in and out of the project area. Additional flag attendants may be required by the LADBS Inspector, LADOT, or BOSS to mitigate a hazardous situation (e.g. blind curves, uncontrolled intersections, narrow portions of roads or where obstacles are present). Flag attendants and warning signs shall be in compliance with Part II of the latest Edition of "Work Area Traffic Control Handbook."
  - k. A surety or cash bond shall be posted in an amount satisfactory to the City Engineer for maintenance of haul route streets. The forms for the bond will be issued by the Central District Engineering Office, 100 S. Main Street 9<sup>th</sup> Floor, Los Angeles, CA, 90012. Further information regarding the bond may be obtained by

calling 213-972-4990.

22. Yard condition. For Lot 2, the yards are designated as follows:
- a. The Lot's Riverside Drive frontage is designated as the front yard;
  - b. The Lot's Hazeltine Avenue frontage is designated as the side yard;
  - c. The Lot's Calhoun Avenue frontage is designated as the side yard;
  - d. The southerly portion of the Lot which abuts the northern boundary of Lot 1 is designated as the rear yard.
23. Tribal Cultural Resource Inadvertent Discovery. In the event that objects or artifacts that may be tribal cultural resources are encountered during the course of any ground disturbance activities<sup>1</sup>, all such activities shall temporarily cease on the project site until the potential tribal cultural resources are properly assessed and addressed pursuant to the process set forth below:
- Upon a discovery of a potential tribal cultural resource, the project Permittee shall immediately stop all ground disturbance activities and contact the following: (1) all California Native American tribes that have informed the City they are traditionally and culturally affiliated with the geographic area of the proposed project; (2) and the Department of City Planning.
  - If the City determines, pursuant to Public Resources Code Section 21074 (a)(2), that the object or artifact appears to be tribal cultural resource, the City shall provide any effected tribe a reasonable period of time, not less than 14 days, to conduct a site visit and make recommendations to the Project Permittee and the City regarding the monitoring of future ground disturbance activities, as well as the treatment and disposition of any discovered tribal cultural resources.
  - The project Permittee shall implement the tribe's recommendations if a qualified archaeologist, retained by the City and paid for by the project Permittee, reasonably concludes that the tribe's recommendations are reasonable and feasible.
  - The project Permittee shall submit a tribal cultural resource monitoring plan to the City that includes all recommendations from the City and any effected tribes that have been reviewed and determined by the qualified archaeologist to be reasonable and feasible. The project Permittee shall not be allowed to recommence ground disturbance activities until this plan is approved by the City.
  - If the project Permittee does not accept a particular recommendation determined to be reasonable and feasible by the qualified archaeologist, the project Permittee may request mediation by a mediator agreed to by the Permittee and the City who has the requisite professional qualifications and experience to mediate such a dispute. The project Permittee shall pay any costs associated with the mediation.

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<sup>1</sup> Ground disturbance activities shall include the following: excavating, digging, trenching, plowing, drilling, tunneling, quarrying, grading, leveling, removing peat, clearing, pounding posts, auguring, backfilling, blasting, stripping topsoil or a similar activity

- The project Permittee may recommence ground disturbance activities outside of a specified radius of the discovery site, so long as this radius has been reviewed by the qualified archaeologist and determined to be reasonable and appropriate.
- Copies of any subsequent prehistoric archaeological study, tribal cultural resources study or report, detailing the nature of any significant tribal cultural resources, remedial actions taken, and disposition of any significant tribal cultural resources shall be submitted to the South Central Coastal Information Center (SCCIC) at California State University, Fullerton.
- Notwithstanding the above, any information determined to be confidential in nature, by the City Attorney's office, shall be excluded from submission to the SCCIC or the general public under the applicable provisions of the California Public Records Act, California Public Resources Code, and shall comply with the City's AB 52 Confidentiality Protocols.

24. **Indemnification and Reimbursement of Litigation Costs.**

Applicant shall do all of the following:

(i) Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of, in whole or in part, the City's processing and approval of this entitlement, including but not limited to, an action to attack, challenge, set aside, void, or otherwise modify or annul the approval of the entitlement, the environmental review of the entitlement, or the approval of subsequent permit decisions, or to claim personal property damage, including from inverse condemnation or any other constitutional claim.

(ii) Reimburse the City for any and all costs incurred in defense of an action related to or arising out of, in whole or in part, the City's processing and approval of the entitlement, including but not limited to payment of all court costs and attorney's fees, costs of any judgments or awards against the City (including an award of attorney's fees), damages, and/or settlement costs.

(iii) Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than \$50,000. The City's failure to notice or collect the deposit does not relieve the applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).

(iv) Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).

(v) If the City determines it necessary to protect the City's interest, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.

The City shall notify the applicant within a reasonable period of time of its receipt of any

action and the City shall cooperate in the defense. If the City fails to notify the applicant of any claim, action, or proceeding in a reasonable time, or if the City fails to reasonably cooperate in the defense, the applicant shall not thereafter be responsible to defend, indemnify or hold harmless the City.

The City shall have the sole right to choose its counsel, including the City Attorney's office or outside counsel. At its sole discretion, the City may participate at its own expense in the defense of any action, but such participation shall not relieve the applicant of any obligation imposed by this condition. In the event the applicant fails to comply with this condition, in whole or in part, the City may withdraw its defense of the action, void its approval of the entitlement, or take any other action. The City retains the right to make all decisions with respect to its representations in any legal proceeding, including its inherent right to abandon or settle litigation.

For purposes of this condition, the following definitions apply:

"City" shall be defined to include the City, its agents, officers, boards, commissions, committees, employees, and volunteers.

"Action" shall be defined to include suits, proceedings (including those held under alternative dispute resolution procedures), claims, or lawsuits. Actions includes actions, as defined herein, alleging failure to comply with any federal, state or local law.

Nothing in the definitions included in this paragraph are intended to limit the rights of the City or the obligations of the applicant otherwise created by this condition.

#### **DEPARTMENT OF CITY PLANNING-ENVIRONMENTAL MITIGATION MEASURES.**

25. The project shall be in substantial conformance with the mitigation measures in the MMP from the Project's Final Environmental Impact Report, and attached to the subject case file. The implementing and enforcing agencies may determine substantial conformance with mitigation measures in the MMP. If substantial conformance results in effectively deleting or modifying the mitigation measure, the Director of Planning shall provide a written justification supported by substantial evidence as to why the mitigation measure, in whole or in part, is no longer needed and its effective deletion or modification will not result in a new significant impact or a more severe impact to a previously identified significant impact.

If the Project is not in substantial conformance to the adopted mitigation measures or MMP, a modification or deletion shall be treated as a new discretionary action under CEQA Guidelines, Section 15162(c) and will require preparation of an addendum or subsequent CEQA clearance. Under this process, the modification or deletion of a mitigation measure shall not require a Tract Map Modification unless the Director of Planning also finds that the change to the mitigation measures results in a substantial change to the Project or the non-environmental conditions of approval.

#### **DEPARTMENT OF CITY PLANNING - STANDARD CONDOMINIUM CONDITIONS**

- C-1. That approval of this tract constitutes approval of model home uses, including a sales office and off-street parking. Where the existing zoning is (T) or (Q) for multiple residential

use, no construction or use shall be permitted until the final map has recorded or the proper zone has been effectuated. If models are constructed under this tract approval, the following conditions shall apply:

1. Prior to recordation of the final map, the subdivider shall submit a plot plan for approval by the Division of Land Section of the Department of City Planning showing the location of the model dwellings, sales office and off-street parking. The sales office must be within one of the model buildings.
  2. All other conditions applying to Model Dwellings under Section 12.22-A, 10 and 11 and Section 17.05-O of the LAMC shall be fully complied with satisfactory to the Department of Building and Safety.
- C-2. Prior to the recordation of the final map, the subdivider shall pay or guarantee the payment of a park and recreation fee based on the latest fee rate schedule applicable. The amount of said fee to be established by the Advisory Agency in accordance with LAMC Section 17.12 and is to be paid and deposited in the trust accounts of the Park and Recreation Fund.
- C-3. Prior to obtaining any grading or building permits before the recordation of the final map, a landscape plan, prepared by a licensed landscape architect, shall be submitted to and approved by the Advisory Agency in accordance with CP-6730.

In the event the subdivider decides not to request a permit before the recordation of the final map, a covenant and agreement satisfactory to the Advisory Agency guaranteeing the submission of such plan before obtaining any permit shall be recorded.

- C-4. In order to expedite the development, the applicant may apply for a building permit for an apartment building. However, prior to issuance of a building permit for apartments, the registered civil engineer, architect or licensed land surveyor shall certify in a letter to the Advisory Agency that all applicable tract conditions affecting the physical design of the building and/or site, have been included into the building plans. Such letter is sufficient to clear this condition. In addition, all of the applicable tract conditions shall be stated in full on the building plans and a copy of the plans shall be reviewed and approved by the Advisory Agency prior to submittal to the Department of Building and Safety for a building permit.

OR

If a building permit for apartments will not be requested, the project civil engineer, architect or licensed land surveyor must certify in a letter to the Advisory Agency that the applicant will not request a permit for apartments and intends to acquire a building permit for a condominium building(s). Such letter is sufficient to clear this condition.

#### **BUREAU OF ENGINEERING - STANDARD CONDITIONS**

- S-1. (a) That the sewerage facilities charge be deposited prior to recordation of the final map over all of the tract in conformance with Section 64.11.2 of the LAMC.
- (b) That survey boundary monuments be established in the field in a manner satisfactory to the City Engineer and located within the California Coordinate System prior to recordation of the final map. Any alternative measure approved

by the City Engineer would require prior submission of complete field notes in support of the boundary survey.

- (c) That satisfactory arrangements be made with both the Water System and the Power System of the Department of Water and Power with respect to water mains, fire hydrants, service connections and public utility easements.
  - (d) That any necessary sewer, street, drainage and street lighting easements be dedicated. In the event it is necessary to obtain off-site easements by separate instruments, records of the Bureau of Right-of-Way and Land shall verify that such easements have been obtained. The above requirements do not apply to easements of off-site sewers to be provided by the City.
  - (e) That drainage matters be taken care of satisfactory to the City Engineer.
  - (f) That satisfactory street, sewer and drainage plans and profiles as required, together with a lot grading plan of the tract and any necessary topography of adjoining areas be submitted to the City Engineer.
  - (g) That any required slope easements be dedicated by the final map.
  - (h) That each lot in the tract complies with the width and area requirements of the Zoning Ordinance.
  - (i) That 1-foot future streets and/or alleys be shown along the outside of incomplete public dedications and across the termini of all dedications abutting unsubdivided property. The 1-foot dedications on the map shall include a restriction against their use of access purposes until such time as they are accepted for public use.
  - (j) That any 1-foot future street and/or alley adjoining the tract be dedicated for public use by the tract, or that a suitable resolution of acceptance be transmitted to the City Council with the final map.
  - (k) That no public street grade exceeds 15%.
  - (l) That any necessary additional street dedications be provided to comply with the Americans with Disabilities Act (ADA) of 1990.
- S-2. That the following provisions be accomplished in conformity with the improvements constructed herein:
- (a) Survey monuments shall be placed and permanently referenced to the satisfaction of the City Engineer. A set of approved field notes shall be furnished, or such work shall be suitably guaranteed, except where the setting of boundary monuments requires that other procedures be followed.
  - (b) Make satisfactory arrangements with the Department of Transportation with respect to street name, warning, regulatory and guide signs.
  - (c) All grading done on private property outside the tract boundaries in connection

with public improvements shall be performed within dedicated slope easements or by grants of satisfactory rights of entry by the affected property owners.

- (d) All improvements within public streets, private street, alleys and easements shall be constructed under permit in conformity with plans and specifications approved by the Bureau of Engineering.
- (e) Any required bonded sewer fees shall be paid prior to recordation of the final map.

S-3. That the following improvements be either constructed prior to recordation of the final map or that the construction be suitably guaranteed:

- (a) Construct on-site sewers to serve the tract as determined by the City Engineer.
- (b) Construct any necessary drainage facilities.
- (c) Install street lighting facilities to serve the tract as required by the Bureau of Street Lighting as required below:

Construct new street lights: four (4) on Calhoun Avenue. If street widening per BOE improvement conditions, relocate and upgrade street lights; five (5) on Riverside Drive and five (5) on Hazeltine Avenue.

Notes: The quantity of street lights identified may be modified slightly during the plan check process based on illumination calculations and equipment selection.

Conditions set: 1) in compliance with a Specific Plan, 2) by LADOT, or 3) by other legal instrument excluding the Bureau of Engineering conditions, requiring an improvement that will change the geometrics of the public roadway or driveway apron may require additional or the reconstruction of street lighting improvements as part of that condition.

- (d) Plant street trees and remove any existing trees within dedicated streets or proposed dedicated streets as required by the Street Tree Division of the Bureau of Street Maintenance. All street tree plantings shall be brought up to current standards. When the City has previously been paid for tree planting, the subdivider or contractor shall notify the Street Tree Division (213-485-5675) upon completion of construction to expedite tree planting.
- (e) Repair or replace any off-grade or broken curb, gutter and sidewalk satisfactory to the City Engineer.
- (f) Construct access ramps for the handicapped as required by the City Engineer.
- (g) Close any unused driveways satisfactory to the City Engineer.
- (h) Construct any necessary additional street improvements to comply with the Americans with Disabilities Act (ADA) of 1990.
- (i) That the following improvements be either constructed prior to recordation of the

final map or that the construction be suitably guaranteed:

- a. Improve Calhoun Avenue being dedicated and adjoining the subdivision by the construction of the following:
  1. A Concrete curb, a concrete gutter, and a 5-foot concrete sidewalk and landscaping of the parkway.
  2. Suitable surfacing to join the existing pavement and to complete 36-foot half roadway (18-foot half roadway).
  3. Any necessary removal and reconstruction of existing improvements.
  4. The necessary transitions to join the existing improvement.
  5. Suitable improvement of the modified cul-de-sac.
- b. Improve Riverside Drive by reconstruction of the existing and to provide a new full-width concrete sidewalk with tree wells including any necessary removal and reconstruction of existing improvements. Additional street improvements to provide for the turning lane shall be reviewed and approved by the Department of Transportation.
- c. Improve Hazeltine Avenue by reconstruction of the existing and to provide a new full-width concrete sidewalk with tree wells including any necessary removal and reconstruction of existing improvements.

NOTES:

The Advisory Agency approval is the maximum number of units permitted under the tract action. However the existing or proposed zoning may not permit this number of units.

Satisfactory arrangements shall be made with the Los Angeles Department of Water and Power, Power System, to pay for removal, relocation, replacement or adjustment of power facilities due to this development. The subdivider must make arrangements for the underground installation of all new utility lines in conformance with LAMC Section 17.05N.

The final map must record within 36 months of this approval, unless a time extension is granted before the end of such period.

The Advisory Agency hereby finds that this tract conforms to the California Water Code, as required by the Subdivision Map Act.

The subdivider should consult the Department of Water and Power to obtain energy saving design features which can be incorporated into the final building plans for the subject development. As part of the Total Energy Management Program of the Department of Water and Power, this no-cost consultation service will be provided to the subdivider upon his request.

## FINDINGS OF FACT (CEQA)

### I. INTRODUCTION

The Environmental Impact Report (EIR), consisting of the Draft EIR and the Final EIR, is intended to serve as an informational document for public agency decision-makers and the general public regarding the objectives and components of the ICON Sherman Oaks Project, located at 14130-14154 W. Riverside Drive ("Site" or "Project Site"). The Project analyzed in the EIR proposes the development of 298 multi-family residential units and 39,241 square feet of neighborhood-serving commercial uses. These uses are proposed to be provided within three new buildings referred to as Buildings A, B, and C.

Alternative 5, the Reduced Density and Square Footage Alternative, as presented in the Draft EIR, proposes a reduction in the number of residential units and commercial area compared to the Project. Specifically, the number of multi-family residential units would be reduced from 298 units to 278 units and the proposed neighborhood-serving commercial uses would be reduced from approximately 39,241 square feet to 27,414 square feet. These uses are proposed to be provided within three new buildings referred to as Buildings A, B, and C.

The Reduced Alternative 5 studied in the EIR further reduces the number of residential units proposed. The Reduced Alternative 5 consists of a mixed-use development comprised of two new buildings (Buildings A and B) containing 249 multi-family residential units and approximately 27,470 square feet of neighborhood-serving commercial uses, together with associated parking facilities.

### II. ENVIRONMENTAL DOCUMENTATION BACKGROUND

A project proposing the development of 298 multi-family residential units and 39,241 square feet of neighborhood-serving commercial uses, to be provided within three new buildings referred to as Buildings A, B, and C, along with the rehabilitation of the Sunkist Building (as described further below, the "Project"), was reviewed by the Los Angeles Department of City Planning (serving as Lead Agency) in accordance with the requirements of the California Environmental Quality Act (CEQA) (Pub. Resources Code § 21000, et seq.) and the State's CEQA Guidelines (14 Cal. Code Regs. §15000, et seq.) The City prepared an Initial Study in accordance with CEQA Guidelines Section 15063(a). Pursuant to CEQA Guidelines Section 15082, the City circulated a Notice of Preparation (NOP) to State, regional and local agencies, and members of the public for a 30-day period commencing on July 1, 2014. In addition, a public scoping meeting was conducted on July 15, 2014. The purpose of the NOP 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 and interested organizations. The NOP, Initial Study, and comment letters are included in Appendix A of the Draft EIR.

The Draft EIR evaluated in detail the potential effects of the Project. It also analyzed the effects of a reasonable range of five alternatives to the Project, including a "No Project" alternative. Alternative 5, the Reduced Density and Square Footage Alternative, as presented in the Draft EIR, proposes a reduction in the number of residential units and commercial area compared to the Project. Specifically, the number of multi-family residential units would be reduced from 298

units to 278 units and the proposed neighborhood-serving commercial uses would be reduced from approximately 39,241 square feet to 27,414 square feet.

The Draft EIR for the Project (State Clearinghouse No. 2014071001), incorporated herein by reference in full, was prepared pursuant to CEQA and the CEQA Guidelines. The Draft EIR was circulated for a 61-day public comment period beginning on July 28, 2016, and ending on September 27, 2016. Copies of the written comments received are provided in the Final EIR. Pursuant to CEQA Guidelines Section 15088, 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.

The City published a Final EIR for the Project on August 23, 2019, which is hereby incorporated by reference in full. The Final EIR is intended to serve as an informational document for public agency decision-makers and the general public regarding objectives and components of the Project. The Final EIR addresses the environmental effects associated with implementation of the Project, identifies feasible mitigation measures and considers alternatives that may be adopted to reduce or eliminate these impacts, and includes written responses to all comments received on the Draft EIR during the public review period, as well as any necessary revisions, clarifications, and corrections to the Draft EIR.

In particular, in response to comments on the Draft EIR and input from the community, Alternative 5, the Reduced Density and Square Footage Alternative, presented in the Draft EIR is further considered and evaluated in the Final EIR in order to further reduce potential environmental effects, and to address many of the comments received on the Draft EIR. Other changes suggested by Draft EIR commenters have also been incorporated into Reduced Alternative 5. Alternative 5, as evolved during the public review process, is referred to in the Final EIR as "Reduced Alternative 5."

Responses were sent to all public agencies that made comments on the Draft EIR at least 10 days prior to certification of the Final EIR pursuant to CEQA Guidelines Section 15088(b). In addition, all individuals that commented on the Draft EIR also received a copy of the Final EIR. The Final EIR was also made available for review on the City's website. Hard copies of the Final EIR were also made available at five libraries and the Department of City Planning's offices. Notices regarding availability of the Final EIR were sent to those within a 500-foot radius of the Project Site, as well as individuals who commented on the Draft EIR, provided comments during the NOP comment period, or requested notice.

A duly noticed public hearing for the Project was held by the Deputy Advisory Agency and the Hearing Officer on September 4, 2019.

The documents and other materials that constitute the record of proceedings on which the City's CEQA findings are based are located at the Department of City Planning, Environmental Review Section, 221 North Figueroa Street, Room 1350, Los Angeles, California 90012. This information is provided in compliance with Public Resources Code Section 21081.6(a)(2).

### III. FINDINGS REQUIRED TO BE MADE BY LEAD AGENCY UNDER CEQA

Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a) require a public agency, prior to approving a project, to identify significant impacts and make one or more of three possible findings for each of the significant impacts.

- A. The first possible finding is that “[c]hanges or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.” (Public Resources Code Section 21081(a)(1); CEQA Guidelines Section 15091(a)(1)); and
- B. The second possible finding is that “[s]uch changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.” (Public Resources Code Section 21081(a)(2); CEQA Guidelines Section 15091(a)(2)); and
- C. The third possible finding is that “[s]pecific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible, the mitigation measures or Project alternatives identified in the final EIR.” (Public Resources Code Section 21081(a)(3); CEQA Guidelines Section 15091(a)(3)).

The findings reported in the following pages incorporate the facts and discussions of the environmental impacts that are found to be significant in the Final EIR for the Project as fully set forth therein. Section 15091(a) of the CEQA Guidelines requires findings to address environmental impacts that an EIR identifies as “significant.” For each of the significant impacts associated with the Project, either before or after mitigation, the following information is provided:

1. Description of Significant Effects – A specific description of the environmental effects identified in the EIR, including a judgment regarding the significance of the impact;
2. Project Design Features – Reference to the identified Project Design Features that are included as part of the Project (numbering of the features corresponds to the numbering in the EIR);
3. Mitigation Measures – Reference to the identified mitigation measures or actions that are required as part of the Project to reduce identified significant impacts (numbering of the mitigation measures correspond to the Mitigation Monitoring Program, which is included as Section IV of the Final EIR);
4. Finding – One or more of the three specific findings for each of the significant impacts in direct response to Public Resources Section 21081(a) and CEQA Guidelines Section 15091(a);
5. Rationale for Finding – A summary of the reasons for the finding(s);
6. Reference – A notation on the specific section in 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 lead 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 Sections 15093, 15043(b); see also Public Resources Code Section 21081(b).)

#### IV. DESCRIPTION OF THE PROJECT

The Project Site, which is approximately 8.3 acres in size, consists of Los Angeles County Assessor Parcel Number 2248-029-009, and is currently developed with an office building that formerly served as the international headquarters for Sunkist growers (Sunkist Building).

##### 1. The Project

The Project analyzed in the DEIR proposes the development of 298 multi-family residential units and 39,241 square feet of neighborhood-serving commercial uses. These uses are proposed to be provided within three new buildings referred to as Buildings A, B, and C. The Project proposes to rehabilitate the existing Sunkist Building, including renovation of the lobby and atrium and modification to the building entrance. In addition, the Project proposes to provide a total of 1,345 parking spaces for the existing Sunkist Building to remain and the proposed uses within a new parking structure located to the east of the Sunkist Building (fronting Hazeltine Avenue) and two levels of below-grade parking within the northern and western portions of the Project Site. The Project includes 359,795 square feet of new floor area for a total of 486,469 square feet of floor area within the Project Site (including the existing Sunkist Building that would remain).

Building A would be located on the northeastern portion of the Project Site, at Riverside Drive and Hazeltine Avenue. Building A includes five above-grade levels. The entirety of the proposed neighborhood-serving commercial use (39,241 square feet) and 120 multi-family residential units are proposed within Building A. The neighborhood-serving commercial uses are proposed to be located on the first level of Building A, while the residential uses are proposed on Levels 2 through 5. Building A includes a landscaped rooftop garden. Building A comprises 165,984 square feet of floor area with a maximum building height of 74.5 feet.

Building B would be located within the northwestern portion of the Project Site, adjacent to Building A, near Riverside Drive and Calhoun Avenue. Building B consists of five above-grade levels and includes 120 multi-family residential units. Building B also includes a residential rooftop courtyard that includes a swimming pool and spa. Building B comprises 135,187 square feet of floor area with a maximum height of 60.5 feet (or 56 feet as measured from the first floor slab to the top of the parapet).

Building C would be located within the western portion of the Project Site, directly west of the Sunkist Building, along Calhoun Avenue. Building C ranges from two to four stories and includes 58 multi-family residential units. A maximum height of 59 feet (43 feet 6 inches as measured from the first floor slab to top of parapet) is proposed for Building C. Building C also included a landscaped rooftop garden on the upper level.

A six-level parking structure is proposed at the eastern portion of the Project Site, directly east of the existing Sunkist Building, along Hazeltine Avenue. The parking structure would consist of four above-grade levels and two below-grade levels with a maximum height of 50 feet 9 inches. Approximately 563 parking spaces would be provided within the parking structure. The remaining parking spaces would be provided within two levels of below-grade parking within the northern and western portions of the Project Site.

##### (A) FAR and Setbacks

Upon completion of the Project, the Project Site would be comprised of two contiguous ground lots. Lot 1, comprised of 121,379 square feet, includes generally the southern portion of the Project Site, encompassing the existing Sunkist Building and the proposed parking structure. Upon completion of the Project, Lot 1 would include 126,674 square feet of floor area associated with the existing Sunkist Building, resulting in a floor area ratio (FAR) of 1.05:1. This FAR would be below the permitted FAR of 1.5:1 under the proposed C2-1L zoning for this portion of the Project Site. Lot 2, comprised of the remaining 240,150 square feet of the Project Site, would include 359,795 square feet of floor area with a total FAR of 1.5:1. This FAR would be below the permitted FAR of 3:1 under the proposed RAS3-1L zoning for this portion of the Project Site.

Within Lot 1, the front yard, side yard, and rear yard of the Sunkist Building would have a 21-foot setback. The proposed parking structure includes a 10-foot setback in the front yard, an 11-foot setback in the side yard, and a 16-foot setback in the rear yard. Within Lot 2, Building A includes a 10-foot front yard setback, a 5-foot side yard setback, and a 35-foot rear yard setback. Building B includes a 10-foot front yard setback, a 15-foot side yard setback, and a 35-foot rear yard setback. To provide a greater buffer to the residential neighborhood across Calhoun Avenue, Building C proposes a 26-foot front yard setback, 20-foot side yard setback, and a 35-foot rear yard setback. The proposed setbacks for all buildings meet or exceed the setback requirements specified in the Los Angeles Municipal Code (LAMC).

#### (B) Access and Circulation

Vehicular access to the Project Site would be provided via Riverside Drive on the north and Hazeltine Avenue on the east. Pedestrian access to the Project Site would be available from Riverside Drive and Hazeltine Avenue.

#### (C) Landscaping, Open Space, and Recreational Amenities

The Project analyzed in the DEIR includes approximately 191,991 square feet (4.41 acres) of common open space areas, including rooftop gardens within Buildings A, B, and C, of which approximately 74,074 square feet would be landscaped. Approximately 107,793 square feet of the total common open space area is proposed to be accessible for public use. Approximately 13,150 square feet of private open space was proposed. The new public open space areas included landscaped entry plazas, planter areas with seatwalls, planted parkways, landscaped plazas with water features, and an expansive lawn. An approximately 28,000-square-foot (0.64-acre) publicly accessible plaza area within the southern portion of the Project Site is also proposed to provide access to the LA River walk.

Indoor amenities for the residential uses include lobbies, lounge, fitness center, recreation room, and bicycle storage areas. Outdoor recreational amenities for the residential uses included a pool and spa, and rooftop gardens and courtyards. All residential amenities within the buildings would be shared and would be fully accessible by Project residents.

## 2. Alternative 5

### (A) Draft EIR Alternative 5

Alternative 5, the Reduced Density and Square Footage Alternative, as presented in the Draft EIR, proposes a reduction in the number of residential units and commercial area compared to the Project. Specifically, the number of multi-family residential units would be reduced from 298 units to 278 units and the proposed neighborhood-serving commercial uses would be reduced

from approximately 39,241 square feet to 27,414 square feet. In total, Alternative 5 involves the development of approximately 424,775 square feet of floor area (including the approximately 126,674-square-foot Sunkist Building) compared to the Project's approximately 486,469 square feet of floor area. With the reduction in the floor area, the FAR for the Project Site under Alternative 5 was reduced from 1.5:1 to 1.24:1.

The multi-family residential and neighborhood-serving commercial uses proposed under Alternative 5 would be provided within three new buildings, similar to the Project. The heights of the buildings would be similar to the buildings of the Project (60.5 feet to 74.5 feet). Parking and access for Alternative 5 would be similar to the Project. In addition, Alternative 5 includes the approximately 28,000-square-foot (0.64-acre) publicly accessible plaza area within the southern portion of the Project Site that would provide for access to the LA Riverwalk, as proposed by the Project, as well as an additional public plaza just west of the building proposed along the northeast portion of the Project Site.

#### (B) Reduced Alternative 5

As previously discussed, in response to comments on the Draft EIR and input from DEIR commenters, Alternative 5 is further considered and evaluated in the Final EIR in order to further reduce potential environmental effects, and to address many of the comments received on the Draft EIR.

Based on comments received on the Draft EIR, Reduced Alternative 5 further reduces the number of multi-family residential units proposed by Alternative 5 from 278 units to 249 units. While the neighborhood-serving commercial area is increased slightly from 27,414 square feet to 27,470 square feet, this continues to be a reduction from the Project's proposed commercial area of 39,241 square feet. In total, the Reduced Alternative 5 would involve the development of up to 287,924 square feet of new floor area (not including the 126,674-square-foot Sunkist Building to remain), as compared to 298,101 square feet of new floor area under Alternative 5, and a total floor area of 414,598 square feet when including the Sunkist Building.

To further address comments on the Draft EIR regarding the massing of the Project, the proposed residential uses would be provided in only two buildings (Building A and Building B). Building C proposed along Calhoun Avenue would be removed as part of the Reduced Alternative 5. Building A would remain on the northeastern portion of the Project Site, at Riverside Drive and Hazeltine Avenue, and Building B would remain within the northwestern portion of the Project Site, adjacent to Building A, near Riverside Drive and Calhoun Avenue. The heights of the buildings under the Reduced Alternative 5 would be similar to the Project and Alternative 5. Specifically, Building A would remain at 74.5 feet and Building B would remain at 60.5 feet.

Reduced Alternative 5 would require 798 parking spaces. Reduced Alternative 5 would exceed the parking requirements of the LAMC and would provide 1,141 parking spaces to adequately serve the proposed uses. Parking has been redesigned compared to Alternative 5 and would be provided in three separate parking facilities instead of two parking facilities. Specifically, the six-level parking structure (four above-grade levels and two subterranean levels) proposed along Hazeltine Avenue has been relocated to the western portion of the Project Site, west of the Sunkist Building, along Calhoun Avenue, and reduced to five levels (three above-grade levels and two subterranean levels) with rooftop parking. However, due to the sunken grade along the western portion of the Project Site, only two parking levels would be visible from the Calhoun Avenue residences located across the street from the Project Site. In addition, a surface parking lot is now proposed east of the Sunkist Building to serve mainly the neighborhood serving commercial

uses proposed within Buildings A and B. The parking structure located west of the Sunkist Building would provide 477 parking spaces and would primarily serve the Sunkist Building (in addition to 39 stalls located below the Sunkist Building). The remaining spaces would be provided within the proposed surface parking lot and in two subterranean parking levels provided below Building A and Building B.

As measured from grade at Calhoun Avenue, the parking structure would be 37.5 in height and would be lower than the parking structure proposed by the Project and Alternative 5 along Hazeltine Avenue (50 feet 9 inches) as well as Building C (59 feet). A majority of the parking structure would be set back at least 19 feet 3 inches from the property line to provide a buffer from the residences along Calhoun Avenue. In addition, a green screen comprised of a wire mesh panel system with vines and new landscaping would be provided to visually shield the parking structure from the residences along Calhoun Avenue. Along Hazeltine Avenue, the newly proposed surface parking lot would open up the Project Site and expand visibility of the Sunkist Building.

(i) FAR and Setbacks

As with the Project, the Reduced Alternative 5 would be comprised of two contiguous ground lots. Lot 1 is of 153,289 square feet, and generally includes the southern/southwestern portion of the Project Site, encompassing the existing Sunkist Building and the proposed parking structure along Calhoun Avenue. Upon completion of the Reduced Alternative 5, Lot 1 would include 126,674 square feet of floor area associated with the existing Sunkist Building, resulting in a floor area ratio (FAR) of 0.82:1. This FAR would be below the permitted FAR of 1.5:1 under the proposed C2-1L zoning for this portion of the Project Site. Lot 2 is comprised of the remaining 207,637 square feet of the Project Site, and includes 287,924 square feet of new proposed residential and neighborhood serving commercial floor area (i.e., Buildings A and B) with a total FAR of 1.4:1. This FAR would be below the permitted FAR of 3:1 under the proposed RAS3-1L zoning for this portion of the Project Site.

Within Lot 1, the front yard, side yard, and rear yard of the Sunkist Building are proposed to have a 146-foot front setback, 40-foot and 57-foot side setback, and a 30-foot rear setback. The proposed subterranean parking structure west of the Sunkist Building (fronting Calhoun Avenue) includes a variable width setback with a minimum six-foot setback in the front yard, 19-foot and 20-foot setbacks in the side yards, and a 301-foot setback in the rear yard. The Building A and Building B front yard setbacks along Riverside Drive would be expanded as compared to the Project. Within Lot 2, Building A proposes a 8 foot-10 inch to 13 foot front yard setback, a 45 foot-6 inch side yard setback, a 319-foot side yard, and a 23 foot-1 inch rear yard setback. Building B provides an 11 foot front yard setback, a 21 foot side yard setback, a 333-foot side yard setback, and a 23 foot-7 inch rear yard setback. The Lot 2 surface/subterranean parking lot located east of the Sunkist Building would be setback seven feet from the western lot line and 45 feet 2 inches from Hazeltine Avenue. The proposed setbacks for all buildings meet or exceed the setback requirements specified in the Los Angeles Municipal Code (LAMC).

(ii) Access and Circulation

While vehicular access would continue to be via Riverside Drive and Hazeltine Avenue, Reduced Alternative 5 incorporates design modifications that enhance access and circulation to and throughout the Project Site and from Hazeltine Avenue. Specifically, the proposed surface parking lot along Hazeltine Avenue would include a pass-through lane for all vehicles that would allow access to Building A from the Project Site's southerly Hazeltine Avenue driveway, as

opposed to traveling northbound and turning left at Hazeltine Avenue and Riverside Drive. Additionally, Hazeltine Avenue is proposed to be restriped to provide a dual southbound left-turn entry into Westfield's signalized driveway located on eastern side of Hazeltine Avenue. This would reduce the potential for queuing into the Westfield parking garage along Hazeltine Avenue. Based on input received from DEIR commenters, the Project Site's northerly Hazeltine Avenue driveway would be restricted to only right-turn in and right-turn out access to improve circulation along Hazeltine Avenue. Project residents and patrons traveling northbound on Hazeltine Avenue would be prohibited from turning left into the northerly Hazeltine Avenue driveway.

(iii) Landscaping, Open Space, and Recreational Amenities

Like the Project and Alternative 5, Reduced Alternative 5 would provide for common open space that would be publicly accessible and would include the approximately 28,000-square-foot (0.64-acre) publicly accessible plaza area within the southern portion of the Project Site that would provide for access to the LA Riverwalk. In total, Reduced Alternative 5 includes 202,120 square feet of common open space. Reduced Alternative 5 would also include an additional public plaza along Hazeltine Avenue (Hazeltine Parkway) requested by DEIR commenters and members of the public during the EIR process. The Hazeltine Parkway would be programmable, useable open space connecting Riverside Drive to the LA River along Hazeltine Avenue. The Hazeltine Parkway would span 58 feet 6 inches in width (as measured from the edge of the Hazeltine Avenue sidewalk). This includes 45 feet 6 inches of privately maintained open space on the Project Site plus a variable 10- to 13-foot sidewalk along Hazeltine Avenue. In addition, a portion of the Building A commercial square footage has been reconfigured to abut the Hazeltine Parkway to activate and enliven the public open space. Additional landscaped, open space would be provided throughout the Project Site.

With regard to construction activities and construction schedule, it is anticipated that the overall duration of construction for Reduced Alternative 5 could be reduced compared to the Project and Alternative 5 given the reduction of the proposed structures. In addition, as Reduced Alternative 5 would reduce the amount of excavation with removal of Building C, the Reduced Alternative 5 would reduce the amount of export compared to the Project. As with the Project and Alternative 5, excavation would reach a maximum depth of approximately 23 feet.

Similar to the Project and Alternative 5, the Reduced Alternative 5 would require a Zone Change from PB-1L-RIO and P-1L-RIO to C2-1L-RIO to allow construction of the new parking structure (west of the Sunkist Building) and from P-1L and PB-1L-RIO to RAS3-1L to allow development of residential and ground floor commercial/retail uses. Similar to the Project, Reduced Alternative 5 would require a Vesting Tract Map to subdivide the residential portion from the Sunkist Building and parking structure on two ground lots and to create commercial condominiums; Site Plan Review; a Conditional Use Permit for alcohol; as well as any other discretionary and ministerial permits and approvals that may be deemed necessary.

Overall, Reduced Alternative 5 represents a reduced development in terms of residential density, residential and commercial square footage, and overall building mass as compared to the Project and Alternative 5.

As Department of City Planning staff is recommending the adoption of the Reduced Alternative 5 instead of the Project analyzed in the Draft EIR, the following findings are made as to the Reduced Alternative 5, and not the Project analyzed in the Draft EIR.

V. ENVIRONMENTAL IMPACTS FOUND NOT TO BE SIGNIFICANT OR LESS THAN SIGNIFICANT BY THE INITIAL STUDY

The City Planning Department prepared an Initial Study dated June 1, 2014, which is located in Appendix A-1 of the Draft EIR. The City has determined through the Initial Study that there is no substantial evidence that the Project could cause significant environmental effects in the following areas:

- I. **Aesthetics**
  - b. Scenic Resources within Scenic Highway
  
- II. **Agricultural and Forest Resources**
  - a. Farmland
  - b. Existing Zoning for Agricultural Use
  - c. Forest Land or Timberland Zoning
  - d. Loss or Conversion of Forest Land
  - e. Other Changes in the Existing Environment
  
- III. **Air Quality**
  - e. Objectionable Odors
  
- IV. **Biological Resources**
  - a. Special Status Species
  - b. Riparian Habitat and Wetlands
  - c. Wetlands
  - d. Movement of any Resident or Migratory Species
  - e. Local Preservation Policies<sup>2</sup>
  - f. Habitat Conservation Plans
  
- VI. **Geological Resources**
  - a(i). Fault Rupture
  - a(ii). Strong Seismic Ground Shaking
  - a(iii). Seismic Ground Failure/Liquefaction
  - a(iv). Landslides
  - b. Soil Erosion
  - c. Unstable Soil
  - d. Expansive Soil
  - e. Septic Tanks
  
- VIII. **Hazards and Hazardous Materials**

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<sup>2</sup> The Initial Study prepared for the Project identified 163 trees on the Project Site, including two Valley Oak trees located on the southwestern corner of the Project Site. The two Valley Oak trees are considered protected by the City of Los Angeles Protected Tree Ordinance. Subsequent to the preparation of the Initial Study, further inspection of the Valley Oak trees revealed that the two trees were actually one tree with two trunks. In addition, due to the rot found at the base of the trunk of the Valley Oak tree, the tree eventually failed and was removed on December 3, 2014 by Urban Tree Care. Therefore, the Project Site does not currently contain any protected trees and would not require implementation of Mitigation Measure BIO-1 provided on page B-9 of the Initial Study. Mitigation Measure BIO-2 also included on page B-9 of the Initial Study would continue to be implemented and has been renumbered as Mitigation Measure BIO-1 in the Mitigation Monitoring Program provided in Section IV, Mitigation Monitoring Program, of the Final EIR.

- a. Transport, Use, Disposal of Hazardous Materials
  - b. Release of Hazardous Materials
  - c. Hazardous Emissions or Materials Near a School
  - d. Lists of Hazardous Materials
  - e. Airport Land Use Plans
  - f. Private Airstrips
  - g. Emergency Response/Evacuation Plans
  - h. Wildland Fires
- IX. Hydrology and Water Quality**
- g. Mapped 100-Year Flood Hazard Areas
  - h. 100-Year Flood Hazard
  - i. Flooding
  - j. Seiche, Tsunami or Mudflow
- X. Land Use and Planning**
- a. Divide an Established Community
  - c. Habitat or Natural Community Conservation Plans
- XI. Mineral Resources**
- a. Loss of Known Mineral Resources
  - b. Loss of Mineral Resources Recovery Site
- XII. Noise**
- e. Airport Land Use Plans
  - f. Private Airstrips
- XIII. Population and Housing**
- a. Induce Substantial Population Growth
  - b. Displacement of Existing Housing
  - c. Displacement of Existing Residents
- XIV. Public Services**
- e. Other Governmental Services (libraries)
- XVI. Transportation/Traffic**
- c. Air Traffic Patterns
- XVII. Utilities and Service Systems**
- a. Wastewater Treatment Requirements
  - e. Wastewater Capacity
  - f. Landfill Capacity
  - g. Compliance with Solid Waste Statutes and Regulations
  - h. Other Utilities and Service Systems

As discussed above, Reduced Alternative 5 represents a reduced development in terms of residential density, residential and commercial square footage, and overall building mass as compared to the Project. Accordingly, there is no substantial evidence that Reduced Alternative 5 could cause significant environmental effects in the above-listed areas.

VI. ENVIRONMENTAL IMPACTS FOUND NOT TO BE SIGNIFICANT PRIOR TO MITIGATION

Impacts of Reduced Alternative 5 that were determined to be less than significant in the EIR (including having a less than significant impact as a result of implementation of project design features and regulatory compliance measures) and that require no mitigation are identified below. The City has reviewed the record and has determined that the following environmental impact categories will not result in any significant impacts and that no mitigation measures are needed, and no additional findings are needed. This 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.

1. Aesthetics

(A) Visual Character

(i) Construction

The Draft EIR concludes that aesthetics impacts associated with construction of the Project would be less than significant.

Similar to the Project, the visual appearance of the Project Site would be temporarily altered under the Reduced Alternative 5 due to the removal of the existing surface parking lot and the renovation of the Sunkist Building. Other construction activities, including site preparation, grading, and excavation; the staging of construction equipment and materials; and the construction of building foundations and proposed structures would also alter the visual character and quality of the Project Site and adjacent roadways. These construction activities could be visible to pedestrians and motorists on adjacent streets, as well as to viewers within nearby buildings. However, the Reduced Alternative 5 would incorporate similar design features as the Project, including the installation of temporary construction fencing along the periphery of the Project Site that would screen much of the construction activity from view at street level and monitoring of any pedestrian walkways and construction fencing accessible to the public for graffiti removal throughout the construction period. Overall, while altering the visual character of the Project Site on a short-term basis, construction activities under the Reduced Alternative 5 would not substantially alter or degrade the existing visual character of the Project Site, as is the case with the Project. As the amount of construction for the Reduced Alternative 5 would be reduced compared to the Project, the degree to which the visual character of the Project area would be altered on a short-term basis would be reduced compared to the Project. Therefore, as with the Project, impacts to aesthetics during construction would be less than significant. Such impacts would be less than the less-than-significant impacts of the Project.

Notwithstanding, to further reduce Reduced Alternative 5's less-than-significant aesthetics impacts during construction, Reduced Alternative 5 would include the installation of temporary construction fencing along the periphery of the Project Site to screen much of the construction activity from view at the street level, as provided in Mitigation Measure A-1 listed below. In addition, as set forth in Mitigation Measure A-2 listed below, any pedestrian walkways and construction fencing accessible to the public would be monitored for graffiti removal throughout the construction period. Further, as stated in Mitigation Measure G-1 in Section IV.G, Noise, of the Draft EIR, a temporary and impermeable sound barrier is proposed to be installed along the northern, eastern, and southern property lines of the Project Site, which would further obstruct public views of on-site construction activities.

## (ii) Operation

The Draft EIR concludes that the Project would not substantially degrade or eliminate the existing visual character of the Project area, including valued existing features or resources; or introduce elements that would substantially detract from the visual character of the Project area, and therefore that impacts related to the aesthetic character and quality of the Project Site and the vicinity would be less than significant.

As with the Project, the Reduced Alternative 5 would alter the visual character of the Project Site by replacing the existing surface parking lot with new buildings and parking facilities. However, like the Project, the Reduced Alternative 5 would make a positive contribution to the aesthetic value of the Project Site and the character of the surrounding area by preserving the distinctive architecture of the Sunkist Building and by redeveloping a partially used site with new buildings that would incorporate design elements that would be compatible with the surrounding area and the existing Sunkist Building. Similar to the Project, the Reduced Alternative 5 would also represent an extension and reflection of the surrounding urban environment and create a visual connection between the Project Site and the Project vicinity. The overall design of the Reduced Alternative 5 would be similar to that of the Project in terms of architectural style, fenestration, stepped back design, building materials and colors, and landscaping elements, and would also be compatible with and would complement the existing Sunkist Building and existing and future development in the Project area. However, the new residential buildings would be reduced in terms of bulk and mass under the Reduced Alternative 5, particularly as viewed from Riverside Drive and Hazeltine Avenue.

As discussed in Section IV.A, Aesthetics, of the Draft EIR, the Sunkist Building is eligible for listing as a historical resource under CEQA and considered a visual resource. As with the Project, all improvements to the Sunkist Building proposed under the Reduced Alternative 5 would be consistent with the Secretary of Interior's Standards for historic rehabilitation. Similar to the Project, the design of the new buildings under the Reduced Alternative 5 would be sympathetic to the historically significant Sunkist Building, but would remain architecturally distinct and more subtle in tone and texture through incorporation of materials that are natural in appearance and neutral in color. The Reduced Alternative 5 would also ensure visibility and access to the Sunkist Building by maintaining the main entry driveway from Riverside Drive and Hazeltine Avenue. The view corridor along Riverside Drive and Hazeltine Avenue to the Sunkist Building would be expanded as compared to the Project under Reduced Alternative 5.

As described above, while the maximum height of the Reduced Alternative 5 would be similar to the Project, the Reduced Alternative 5 would include one less building than the Project (i.e., elimination of the Project's residential Building C). Setbacks under the Reduced Alternative 5 would meet or exceed the setback requirements specified in the LAMC, similar to the Project. Overall, the Reduced Alternative 5 would feature reduced heights, density, and massing compared to the Project. Therefore, as with the Project, the Reduced Alternative 5 would be compatible in size, scale, and massing with the Sunkist Building as well as the surrounding area.

Similar to the Project, the Reduced Alternative 5 would provide a variety of landscape improvements on the Project Site, as well as open space and recreational amenities for residents and guests, including a public plaza and publicly accessible open space, although this alternative would provide a greater amount of open space compared to the Project. Landscaping on and around the perimeter of the Project Site would visually enhance the environment by providing a more cohesive landscaped environment when compared to existing conditions. Furthermore, the proposed landscape improvements and recreational amenities would improve the pedestrian

experience and connectivity with the surrounding area. Also similar to the Project, signage under the Reduced Alternative 5 would be appropriately designed, arranged, and scaled within the context of the Project and the Project area. In addition, the Reduced Alternative 5 would implement similar design features as the Project and would incorporate many of the recommendations in the Citywide Design Guidelines and Walkability Checklist, and would be consistent with the vision for the Project area set forth in the Van Nuys–North Sherman Oaks Community Plan.

Based on the above, as with the Project, overall development of the Reduced Alternative 5 would not substantially degrade or eliminate the existing visual character of the Project area. As such, similar to the Project, operational impacts related to aesthetics would be less than significant. However, such impacts would be less than those of the Project due to the reduction in height, density, square footage, and overall building footprint and massing.

#### (B) Views

The Draft EIR concludes that the Project would not substantially obstruct existing views of identified visual resources, and impacts to views would be less than significant.

As discussed in Section IV.A, Aesthetics, of the Draft EIR, visual resources identified in the Project vicinity include the Los Angeles River, the Santa Monica Mountains, and the Sunkist Building. As discussed above, the Reduced Alternative 5 would feature overall reduced massing and a greater amount of publicly accessible open space, and would construct one less new building. Therefore, as with the Project, the Reduced Alternative 5 would not alter the limited views of the Los Angeles River and the Santa Monica Mountains. With regard to the Sunkist Building, the Reduced Alternative 5 would also provide visual view corridors along Riverside Drive, Hazeltine Avenue, and Calhoun Avenue that would allow views of the Sunkist Building from the immediate surrounding area. As the Reduced Alternative 5 would reduce the footprint of the buildings, existing views of the Sunkist Building would be preserved to a greater extent under the Reduced Alternative 5. Therefore, as with the Project, development of the Reduced Alternative 5 would not substantially obstruct an existing valued view and would not otherwise block or degrade a valued scenic vista. Impacts to views would be less than significant and less than the less-than-significant impacts of the Project.

#### (C) Light/Glare

##### (i) Construction

The Draft EIR concludes that impacts from Project-related sources of artificial light and glare during construction would be less than significant.

As with the Project, construction activities for the Reduced Alternative 5 would primarily occur during the daylight hours, and construction lighting would only be used for the duration needed if construction were to occur in the evening hours during the winter season when daylight is no longer sufficient. In addition, construction-related illumination would be used for safety and security purposes only. Also, like the Project, the Reduced Alternative 5 would implement similar design features as the Project related to construction lighting, which would provide that construction lighting be shielded and/or aimed so that no direct beam illumination is provided outside of the Project Site boundary. Therefore, like the Project, the Reduced Alternative 5 would not significantly impact off-site light-sensitive uses, substantially alter the character of off-site areas surrounding the Project Site, adversely impact day or nighttime views in the area, or

substantially interfere with the performance of an off-site activity. Therefore, like the Project, light impacts associated with construction would be less than significant under the Reduced Alternative 5. Due to the reduced amount of construction activities, such impacts would be less than the less-than-significant impacts of the Project.

Additionally, as with the Project, any glare generated within the Project Site during construction would be highly transitory and short-term given the movement of construction equipment and materials within the construction area, and the temporary nature of construction activities. In addition, large, flat surfaces that are generally required to generate substantial glare are typically not an element of construction activities. Furthermore, construction would primarily occur during the daytime hours in accordance with the LAMC. Therefore, similar to the Project, there would be a negligible potential for daytime or nighttime glare associated with construction activities under the Reduced Alternative 5, and glare associated with the construction of the Reduced Alternative 5 would not substantially alter the character of off-site areas surrounding the Project Site or adversely impact day or nighttime views in the area. Thus, as with the Project, impacts related to glare during construction would be less than significant. As the overall amount of construction activities would be reduced compared to the Project, such impacts under the Reduced Alternative 5 would be less than the less-than-significant impacts of the Project.

(ii) Operation

The Draft EIR concludes that impacts from Project-related sources of artificial light and glare during operation would be less than significant.

Similar to the Project, the Reduced Alternative 5 would increase light levels within the Project Site and the surrounding area compared to existing conditions through the introduction of new light sources, including from architectural lighting on proposed structures and exterior lighting for security and way-finding purposes. As with the Project, sources of light and glare under the Reduced Alternative 5 would be similar to other lighting sources in the Project vicinity and would not generate artificial light levels that would be out of character with the surrounding area. In addition, as with the Project, all exterior lighting would be shielded and/or directed toward the areas to be lit within the Project Site to avoid spillover onto adjacent sensitive uses. All onsite exterior lighting under the Reduced Alternative 5 would also be automatically controlled via photo sensor to illuminate only when required. As the Reduced Alternative 5 would involve the development of similar uses, the types of lighting features associated with the Reduced Alternative 5 would be comparable to those of the Project. However, as the Reduced Alternative 5 would reduce the number of multi-family residential units and the amount of neighborhood-serving commercial uses, and would construct one less new building, the light levels would be anticipated to be reduced compared to those of the Project. Overall, as with the Project, the Reduced Alternative 5 would not significantly increase nighttime lighting levels in the area and impacts with regard to lighting would be less than significant. Such impacts would be less than those of the Project.

Additionally, like the Project, the Reduced Alternative 5 would be designed in a contemporary architectural style and would feature a variety of surface materials. As with the Project, the Reduced Alternative 5 would implement design features to reduce glare from glass and other potentially reflective materials. In addition, headlights from the main entry way on Riverside Drive and driveways on Hazeltine Avenue would be typical for the Project area and would not be anticipated to result in a substantial adverse impact. Therefore, as with the Project, operational impacts related to glare would be less than significant. Such impacts would be less than the less-

than-significant impacts of the Project due to the reduction in building surfaces that would have the potential to produce glare.

(D) Shading

The Draft EIR concludes that impacts related to shading would be less than significant. As previously described, the heights of the buildings proposed under the Reduced Alternative 5 would be similar to the heights of the buildings proposed by the Project. In addition, the layout of the proposed buildings would be similar to the Project, although with one fewer new building. The Reduced Alternative 5 would also provide similar or increased setbacks as the Project. As discussed in Section IV.A, Aesthetics, of the Draft EIR, shading impacts under the Project would be less than significant. Therefore, as overall development, including building massing and number of buildings would be reduced compared to the Project, shading impacts under the Reduced Alternative 5 would also be less than significant. Such impacts would be less than the less-than-significant impacts of the Project.

(E) Consistency with Regulatory Framework

As detailed in Section IV.A, Aesthetics, of the Draft EIR, the Project would be consistent with applicable policies from the Framework Element, the Conservation Elements, and the Van Nuys-Sherman Oaks Community Plan that relate to aesthetics. The Project also would be consistent with the objectives of the Citywide Design Guidelines for commercial and mixed-use projects. In addition, the Project would generally support the applicable Walkability Checklist objectives and implement relevant strategies. Overall, the Project would be consistent with applicable regulatory standards and policies that relate to aesthetics.

As with the Project, the Reduced Alternative 5, which proposes a reduced amount of the same uses, would also be consistent with applicable regulatory standards and policies that relate to aesthetics.

(F) Cumulative Impacts

(i) Aesthetics

Based on the proximity of the related projects to the Project Site, the other related projects would not cause cumulative visual impacts as these developments are either not visible from the Project Site due to distance and/or existing intervening development, or are located at such a distance so as not to figure prominently within views that include the Project Site. Related Project No. 6 would consist of a commercial mall expansion and generally representative of the existing urban fabric and character already in the area.

As with the Project, many of the related projects represent infill development and expansions, and in general, would reinforce existing and emerging land use patterns (e.g., low- to mid-rise development) in the area rather than introduce new development characteristics to the Project area. Therefore, development of the related projects in combination with the Project would not be anticipated to substantially degrade the existing character or quality of the environment since the Project area along Riverside Drive is already developed. In addition, similar to the Project, future developments would be subject to the City's design review processes and discretionary review to ensure consistency with adopted guidelines and standards that address aesthetics. Therefore, it is not anticipated that future development, inclusive of the Project and nearby related projects, would substantially alter, degrade, or eliminate the existing visual character of the Project

area, including valued existing features or resources, or introduce elements that substantially detract from the visual character of the area. Cumulative impacts to aesthetics would be less than significant.

As discussed above, Reduced Alternative 5 would further reduce the Project's already less-than-significant impacts to aesthetics, and therefore cumulative impacts to aesthetics would also be less than significant under Reduced Alternative 5.

(ii) Views

Based on the location and height of the proposed buildings under the Project and the location of Related Project No. 6, it is not anticipated that the Project and Related Project No. 6 would affect views of the distant Santa Monica Mountains and could potentially only affect intermittent views across the Project Site and the site of the Westfield Fashion Square Expansion Project and not from long-range, expansive viewsheds. In addition, long-range views along east-west roadways such as Riverside Drive would continue to be available. Further, as under existing conditions, views of the Santa Monica Mountains and the Los Angeles River would remain intermittent throughout the Project area, as many existing buildings already obstruct views of these resources from surrounding vantage points. As such, cumulative view impacts would not be cumulatively considerable. Cumulative view impacts from development of the Project and the related projects would be less than significant.

As discussed above, Reduced Alternative 5 would further reduce the Project's already less-than-significant impacts to views, and therefore cumulative impacts to views would also be less than significant under Reduced Alternative 5.

(iii) Light and Glare

Of the related projects, Related Project No. 6, Westfield Fashion Square Expansion Project (currently not active) is located within sufficient proximity to the Project Site to have the potential to combine with the Project and result in cumulative light and glare impacts. The Project and nearby related projects would not significantly alter the existing lighting environment currently experienced in the area. Additionally, cumulative lighting would not be expected to interfere with the performance of off-site activities given the moderate ambient nighttime artificial light levels already present in the vicinity of the Project Site. Further, the Project's and related projects adherence to applicable City requirements regarding lighting would control the Project's potential artificial light sources to a sufficient degree so as not to be considered cumulatively considerable. Similarly with regard to glare, the Project's and nearby related projects' proposed uses would be consistent and compatible with other development in the area. Furthermore, it is anticipated that the Project and other future development projects would be subject to discretionary review to ensure that significant sources of glare are not introduced. Additionally, it is anticipated that as with the Project, related projects would include standard design features related to use of low-level lighting and shielding as well as use of non-reflective surfaces to minimize the potential for glare. Therefore, the Project's contribution to light and glare impacts would not be cumulatively considerable, and cumulative light and glare impacts from development of the Project and the related projects would be less than significant.

As discussed above, Reduced Alternative 5 would further reduce the Project's already less-than-significant light and glare impacts, and therefore cumulative light and glare impacts would also be less than significant under Reduced Alternative 5.

(iv) Shading

Related Project No. 6 is located immediately east of the Project Site and Hazeltine Avenue, which could cast a shadow on nearby uses. However, the Project would not shade potentially routinely useable outdoor spaces associated with the single-family residential uses to the west and the multi-family residential uses to the north such that the thresholds identified above would be exceeded. Therefore, any shadows generated by Related Project No. 6, would not combine with the shadows of the Project to result in a significant shading impact. Also, due to the distance between the remaining related projects, these related projects, along with the Project would also not cumulatively contribute to shade impacts on sensitive receptors. Therefore, the Project's contribution to shade impacts would not be cumulatively considerable. Cumulative shade impacts would be less than significant and no mitigation measures are required.

As discussed above, Reduced Alternative 5 would further reduce the Project's already less-than-significant shading impacts, and therefore cumulative shading impacts would also be less than significant under Reduced Alternative 5.

(G) Project Design Features

The City finds that Project Design Features PDF A-1 through PDF A-4, set forth below and incorporated into Reduced Alternative 5 and these Findings, further reduce the non-significant aesthetics impacts of Reduced Alternative 5. The Project Design Features were considered in the analysis of potential impacts.

- PDF A-1** New on-site utilities that may be required to serve the Project shall be installed underground, where practical.
- PDF A-2** Mechanical, electrical, and roof top equipment (including Heating, Ventilation, and Air Conditioning (HVAC) systems), as well as building appurtenances, will be integrated into the Project's architectural design (e.g., placed behind parapet walls) and shall be screened from public view.
- PDF A-3** Trash areas associated with the proposed buildings shall be enclosed or otherwise screened from view from public rights-of-way.
- PDF A-4** All new street and pedestrian outdoor lighting required for the Project shall be shielded and directed towards the interior of the Project Site such that the light source does not project directly upon any adjacent residential property from the ground and above.

(H) Mitigation Measures

As evaluated above and in Section IV.A of the Draft EIR and Section II.C of the Final EIR, impacts related to aesthetics, views, light, glare, and shading from Reduced Alternative 5 would be less than significant. No mitigation measures are required. As stated on Draft EIR page IV.A-59, impacts related to aesthetics, views, light, glare, and shading would be less than significant. No mitigation measures are required. However, Mitigation Measures MM A-1 through MM A-6, set forth below and incorporated into Reduced Alternative 5, further reduce Reduced Alternative 5's less-than-significant impacts.

- MM A-1** Temporary construction fencing shall be placed along the periphery of the active construction areas to screen as much of the construction activity from view at the street level, as feasible, and to keep unpermitted persons from entering the construction area. Regular daily and multiple security patrols during non-construction hours (e.g., nighttime hours, weekends, and holidays) will also be provided to minimize trespassing, vandalism, and short-cut and other attractions. During construction activities, the Contractor will document the security measures; and the documentation will be made available to the Construction Monitor.
- MM A-2** The Project Applicant shall ensure through appropriate postings and daily visual inspections that no unauthorized materials (i.e., graffiti removal) are posted on any temporary construction barriers or temporary pedestrian walkways that are accessible/visible to the public, and that such temporary barriers and walkways are maintained in a visually attractive manner (i.e., free of trash, graffiti, peeling postings and of uniform paint color or graphic treatment) throughout the construction period.
- MM A-3** Light sources associated with Project construction shall be shielded and/or aimed so that no direct beam illumination is provided outside of the Project Site boundary. Outdoor lighting will be shielded such that the light source cannot be seen from adjacent residential properties, the public right-of-way, or from the above. However, construction lighting shall not be so limited as to compromise the safety of construction workers.
- MM A-4** Exterior screening shall be installed on the parking structure to minimize light spill from luminaires within open areas of the parking structure that extend beyond the Project Site boundaries. The screening shall be installed so as to also minimize potential glare from the headlights of motor vehicles within the parking structure. Screening measures may include, but are not limited to, shielding attached to the luminaires, parking structure façade, or other site structures.
- MM A-5** The exterior of the proposed structures shall be constructed of materials such as, but not limited to, high-performance and/or low-reflective tinted glass (no mirror-like tints or films) and pre-cast concrete or fabricated wall surfaces to minimize glare and reflected heat. Consistent with applicable energy and building code requirements, including Section 140.3 of the California Energy Code as may be amended, glass with coatings required to meet the Energy Code requirements shall be permitted.
- MM A-6** The parking stalls and driveways of the parking structure that are exposed to the sky shall be finished with either a light-colored surface material such as concrete, and/or a minimum of 80 percent of the total parking stall area shall be shaded by a vine-covered pergola, canopy, or trellis. Solar panels and their related support structures may be utilized to provide required shading.

(I) Conclusion

No mitigation measures related to aesthetics, views, light, glare, and shading are required for the Reduced Alternative 5. Project-level and cumulative impacts related to aesthetics, views, light, glare, and shading would be less than significant. With the implementation of the Project Design Features and voluntary Mitigation Measures identified above as well as compliance with existing regulations, the Reduced Alternative 5's potential impacts related to aesthetics, views, light, glare, and shading would be further reduced.

## 2. Greenhouse Gas Emissions

### (A) Analysis of Project Impacts

The Project would generate incrementally increased GHG emissions over existing conditions. However, even a very large individual project would not generate enough GHG emissions on its own to significantly influence global climate change. Moreover, the Project would be consistent with CARB's *Climate Change Scoping Plan* for the implementation of AB 32, Executive Orders S-3-05 and B-30-15; SB 375, SCAG's Sustainable Communities Strategy, and the City of Los Angeles Green Building Code. Therefore, the Project would not conflict with any applicable plan, policy, or regulation of an agency adopted for the purpose of reducing the emissions of GHGs, and Project-specific impacts with regard to climate change would be less than significant.

Similar to the Project, the Reduced Alternative 5 would incorporate design features to reduce GHG emissions and would be designed to comply with the City's Green Building Ordinance, as applicable, and the sustainability intent of the U.S. Green Building Council's LEED® program. Greenhouse gas emissions from a development project are determined in large part by the number of daily trips generated and energy consumption from proposed land uses. As discussed above, the Reduced Alternative 5 would reduce the number of multi-family residential units and the neighborhood-serving commercial uses compared to the Project. Therefore, the Reduced Alternative 5 would result in a reduction in energy and water consumption and associated greenhouse gas emissions compared to the Project. Similarly, the number of daily trips and associated emissions would decrease under the Reduced Alternative 5. With compliance with the City's Green Building Ordinance and the implementation of comparable sustainability features as the Project, the Reduced Alternative 5 would also be consistent with the GHG reduction goals and objectives set forth in State, regional, and local regulatory plans. Thus, as with the Project, impacts to greenhouse gas emissions under the Reduced Alternative 5 would be less than significant. Such impacts would be less than the impacts of the Project.

### (B) Cumulative Impacts

Although the Project is expected to emit GHGs, the emission of GHGs by a single project into the atmosphere is not itself necessarily an adverse environmental effect. Rather, it is the increased accumulation of GHG from more than one project and many sources in the atmosphere that may result in global climate change. The resultant consequences of that climate change can cause adverse environmental effects. A project's GHG emissions typically would be very small in comparison to state or global GHG emissions and, consequently, they would, in isolation, have no significant direct impact on climate change. Given the Project's consistency with State, SCAG, and City of Los Angeles GHG emission reduction goals and objectives, the Project would not conflict with any applicable plan, policy, or regulation of an agency adopted for the purpose of reducing the emissions of GHGs. In the absence of adopted standards and established significance thresholds, and given this consistency, it is concluded that the Project's impacts are not cumulatively considerable.

As discussed above, Reduced Alternative 5 would further reduce the Project's already less-than-significant impacts to greenhouse gas emissions, and therefore cumulative impacts to greenhouse gas emissions would also be less than significant under Reduced Alternative 5.

#### (C) Project Design Features

The City finds that Project Design Features C-1 through C-4, which are incorporated into Reduced Alternative 5 and these Findings, would further reduce the less-than-significant greenhouse gas emissions of the Reduced Alternative 5. These Project Design Features were considered in the analysis of potential impacts.

- PDF C-1** The design of the new buildings shall incorporate features to be capable of achieving at least Silver certification standards under the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED)-CS® or LEED-NC® Rating System as of January 1, 2011. Such LEED® features shall include energy-efficient buildings, a pedestrian- and bicycle-friendly site design, and water conservation measures, among others.
- PDF C-2** The Project would not include hearths (woodstove and fireplaces) installed in the residences.
- PDF C-3** The Project Applicant shall develop and implement a Transportation Demand Management (TDM) Program that includes strategies to promote non-auto travel and reduce the use of single-occupant vehicle trips. The TDM Program shall be subject to review and approval by the Department of City Planning and LADOT. The TDM Program shall implement measures able to achieve a 10-percent reduction in daily trips related to proposed uses.
- PDF C-4** The Project Applicant shall provide at least twenty (20) percent of the total code-required parking spaces provided for all types of parking facilities, but in no case less than one location, shall be capable of supporting future electric vehicle supply equipment (EVSE). Plans shall indicate the proposed type and location(s) of EVSE and also include raceway method(s), wiring schematics and electrical calculations to verify that the electrical system has sufficient capacity to simultaneously charge all electric vehicles at all designated electric vehicle (EV) charging locations at their full rated amperage. Plan design shall be based upon Level 2 or greater EVSE at its maximum operating capacity. Only raceways and related components are required to be installed at the time of construction. When the application of the 20 percent results in a fractional space, round up to the next whole number. A label stating "EV CAPABLE" shall be posted in a conspicuous place at the service panel or subpanel and next to the raceway termination point.

#### (D) Conclusion

As evaluated above and in Section IV.C of the Draft EIR and Section II.C of the Final EIR, with compliance with existing regulations and incorporation of the above Project Design Features, the Reduced Alternative 5 would result in less-than-significant impacts associated with GHG

emissions. Therefore, no mitigation measures are required for the Reduced Alternative 5.

### 3. Cultural Resources – Archaeological Resources

#### (A) Project Impacts

Results of the archaeological records search indicate there are no archaeological sites located within the Project Site or within a 0.5-mile radius of the Project Site. In addition, no isolates have been recorded within the Project Site or within a 0.5-mile radius of the Project Site. While this does not preclude the potential for an archaeological site to be identified during construction activities associated with the Project, it is unlikely as disturbance of the ground surface has previously occurred on-site. Further, if human remains were discovered during construction of the Project, work in the immediate vicinity would be halted, the County Coroner, construction manager and other entities would be notified per California Health and Safety Code Section 7050.5, and disposition of the human remains and any associated grave goods would occur in accordance with Public Resources Code Section 5097.91 and 5097.98, as amended. With the implementation of all applicable codes and regulations, any impacts related to archaeological resources would be less than significant.

The Reduced Alternative 5 would reduce excavation activities compared to the Project. Therefore, the Reduced Alternative 5 would have a reduced potential to uncover subsurface archaeological compared to the Project. In the event resources are encountered, the Reduced Alternative 5 would be subject to the same regulatory requirements as the Project to ensure that the resources are properly recovered and evaluated. Therefore, impacts relative to archaeological resources under the Reduced Alternative 5 would be less than significant with regard to archaeological resources. Such impacts would be less than the impacts of the Project.

#### (B) Cumulative Impacts

With regard to potential cumulative impacts related to archaeological resources, the Project Site and the related projects are located within an urbanized area that has been disturbed and developed over time. In the event that archaeological resources are uncovered, each related project would be required to comply with applicable regulatory requirements. In addition, as part of the environmental review processes for the related projects, it is expected that mitigation measures would be established as necessary to address the potential for uncovering archaeological resources and regulatory requirements would be followed. Therefore, cumulative impacts to archaeological resources would be less than significant and would not be cumulatively considerable.

#### (C) Project Design Features

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

#### (D) Conclusion

With compliance with existing regulations, Reduced Alternative 5 would result in less-than-significant impacts associated with archaeological resources. In addition, cumulative impacts associated with archeological resources would also be less than significant. Therefore, no mitigation measures are required.

#### 4. Hydrology and Water Quality

##### (A) Construction

##### (i) Surface Water Hydrology

The Draft EIR concludes that the Project's construction-related impacts to surface water hydrology would be less than significant, and no mitigation measures are required.

Similar to the Project, construction activities for the Reduced Alternative 5 would include demolition of hardscape and landscape areas around the existing Sunkist Building followed by construction of the proposed buildings and parking facilities. These activities would require grading and excavation that would have the potential to temporarily alter the existing surface drainage patterns and flows within the Project Site by diverting existing surface flows as a result of exposing underlying soils and making the Project Site temporarily more permeable. The potential to temporarily alter existing surface drainage patterns and flows would be reduced compared to the Project as excavation activities would be reduced under the Reduced Alternative 5. In addition, as with the Project, the Reduced Alternative 5 would be required to comply with all applicable City grading permit regulations that require necessary measures, plans, and inspections to reduce sedimentation and erosion. Thus, like the Project, through compliance with all NPDES requirements, implementation of BMPs, and compliance with applicable City grading regulations, the Reduced Alternative 5 would not substantially alter the Project Site drainage patterns in a manner that would result in substantial erosion, siltation, flooding on- or off-site. Similarly, adherence to standard compliance measures during construction activities would ensure that the Reduced Alternative 5 would not cause flooding, substantially increase or decrease the amount of surface water flow from the Project Site into a water body, or result in a permanent, adverse change to the movement of surface water during construction. As such, similar to the Project, construction-related impacts to surface water hydrology would be less than significant under the Reduced Alternative 5. Such impacts would be less compared to the Project.

##### (ii) Surface Water Quality

The Draft EIR concludes that, through compliance with all applicable NPDES requirements and City grading regulations, including the implementation of BMPs, the Project's construction-related impacts to surface water quality would be less than significant, and no mitigation measures are required.

As with the Project, during construction of the Reduced Alternative 5, construction activities such as earth moving, maintenance/operation of construction equipment, dewatering (if necessary), and hauling/storage/disposal of materials could contribute to pollutant loading in stormwater runoff. The degree to which new pollutants could be introduced to the site during construction would be reduced under the Reduced Alternative 5 given that this alternative would require less construction activities. In addition, like the Project, a SWPPP would be prepared for the Reduced Alternative 5 which would specify BMPs to manage runoff flows and erosion and prevent on-site construction-related pollution. The Reduced Alternative 5 would also comply with all applicable NPDES requirements regarding dewatering, in the event groundwater is encountered during construction activities. Therefore, as with the Project, construction-related impacts to surface water quality under the Reduced Alternative 5 would be less than significant. Such impacts would be less than the less-than-significant impacts of the Project.

##### (iii) Groundwater Hydrology

The Draft EIR concludes that Project construction would not adversely impact the rate or direction of flow of groundwater, result in appreciable changes to groundwater recharge capacity, or affect water supply wells, the Project impacts on groundwater hydrology during construction would be less than significant, and no mitigation measures are required.

As with the Project, the Reduced Alternative 5 would not include the construction of water supply wells. In addition, while the Reduced Alternative 5 would require a similar maximum depth of excavation, the area to be excavated would be reduced compared to the Project. Therefore, similar to the Project, the Reduced Alternative 5 is not expected to encounter continuous groundwater due to the varying groundwater elevations within the Project Site. However, finite zones of perched groundwater could be encountered. Thus, like the Project, in the event groundwater is encountered during construction of the Reduced Alternative 5, a temporary dewatering system would be installed in accordance with all applicable regulations. Similar to the Project, operation of a temporary dewatering system during construction of the Reduced Alternative 5, if necessary, would have a minimal effect on local groundwater hydrology in the immediate vicinity of the Project Site. Therefore, as with the Project, impacts on groundwater hydrology during construction of the Reduced Alternative 5 would be less than significant. Such impacts would be less than the less-than significant-impacts of the Project.

(iv) Groundwater Quality

The Draft EIR concludes that construction of the Project would result in a less-than-significant impact on groundwater quality, and mitigation measures are not required.

Similar to the Project, the Reduced Alternative 5 could require dewatering during construction. If required, the temporary dewatering system would comply with all relevant NPDES requirements related to construction and discharges from dewatering operations, including treatment and monitoring, similar to the Project. Furthermore, as with the Project, the Reduced Alternative 5 would comply with all applicable federal, state, and local requirements concerning the handling, storage, and disposal of hazardous waste, which would reduce the potential for construction activities to release contaminants into groundwater. Therefore, as with the Project, impacts with respect to groundwater quality during construction would be less than significant under the Reduced Alternative 5. Such impacts would be reduced compared to the less-than-significant impacts of the Project due to the reduced amount of construction activities and excavation activities.

(B) Operation

(i) Surface Water Hydrology

The Draft EIR concludes that the Project would not result in an incremental impact on either on-site or off-site flooding during a 50-year storm event, would not substantially reduce or increase the amount of surface water in a water body, or result in a permanent adverse change to the movement of surface water that would result in an incremental effect on the capacity of the existing storm drain system. As such, the Draft EIR concludes that operation of the Project would result in a less-than-significant impact on surface water hydrology.

As with the Project, upon buildout of the Reduced Alternative 5, there would be an increase in impervious surfaces within the Project Site compared to existing conditions. This increase in the amount of impervious surfaces on-site would be reduced compared to the Project due to the creation of additional landscaped open space areas (i.e., the Hazeltine Parkway). In addition, like

the Project, the Reduced Alternative 5 would implement SUSMP requirements to manage post-construction stormwater runoff, including the installation of catch basins, planter drains, and building roof drain downspouts throughout the Project Site to collect roof and site runoff and direct stormwater away from structures through a series of underground storm drain pipes. Also similar to the Project, the Reduced Alternative 5 would implement a rainwater harvesting system to capture some of the volume of potential runoff and reuse it for irrigation purposes, thereby reducing the volume of water leaving the Project Site and entering into the storm drain system. Therefore, similar to the Project, impacts to surface water hydrology during operation of the Reduced Alternative 5 would be less than significant. Such impacts would be less than those of the Project.

(ii) Surface Water Quality

The Draft EIR concludes that impacts to surface water quality during operation of the Project would be less than significant, and no mitigation measures are required.

Similar to the Project, during operation of the Reduced Alternative 5, stormwater runoff from the Project Site has the potential to introduce pollutants into the stormwater system. As the Reduced Alternative 5 would reduce the number of multi-family residential units and the neighborhood-serving commercial uses, the potential to introduce pollutants into the stormwater system would be reduced compared to the Project. In addition, like the Project, the Reduced Alternative 5 would comply with all applicable regulatory requirements and would implement a SUSMP, which would identify BMPs similar to those of the Project to reduce the quantity and improve the quality of rainfall runoff from the overall Project Site. Thus, similar to the Project, impacts to surface water quality during operation of the Reduced Alternative 5 would be less than significant. Such impacts would be less than those of the Project.

(iii) Groundwater Hydrology

The Draft EIR concludes that operation of the Project would not interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table and that, as such, operation of the Project would result in a less-than-significant impact on groundwater hydrology.

With implementation of the Reduced Alternative 5, the amount of impervious surfaces would increase compared to existing conditions but would be reduced compared to the Project due to the implementation of additional landscaped areas (i.e., Hazeltine Parkway). In addition, similar to the Project, a rainwater harvesting system would be implemented under the Reduced Alternative 5 to capture the first flush or first 0.75-inch of rainfall for any storm event and reuse it for irrigation purposes, thereby offsetting the potential reduction in percolation resulting from Project development. Furthermore, while groundwater may be encountered during construction requiring temporary dewatering, permanent dewatering operations would not occur on-site. Therefore, as with the Project, impacts to groundwater hydrology during operation of the Reduced Alternative 5 would be less than significant. Such impacts would be less than those of the Project.

(iv) Groundwater Quality

The Draft EIR concludes that operation of the Project would result in a less-than-significant impact on groundwater quality, and mitigation measures are not required.

Similar to the Project, while development of the Reduced Alternative 5 would result in a limited increase in the use of existing on-site hazardous materials, the types of hazardous materials that would be used in connection with the Reduced Alternative 5 would be typical of those used in residential and commercial developments. However, the amount of potentially hazardous materials associated with the multi-family residential and neighborhood-serving commercial uses would be reduced as these uses would be reduced under the Reduced Alternative 5. In addition, as with the Project, the Reduced Alternative 5 would comply with all applicable regulations regarding the use, storage, and handling of potentially hazardous materials at the Project Site. Therefore, like the Project, impacts with respect to groundwater water quality during operation of the Reduced Alternative 5 would be less than significant. Such impacts would be less than those of the Project.

(C) Cumulative

(i) Surface Water Hydrology

The Project in conjunction with forecasted growth in the Los Angeles River Watershed could cumulatively increase stormwater runoff flows. Of the related projects, Related Project No. 6, the Fashion Square Mall Expansion, would be located within the same tributary drainage as the Project. However, as noted above, the Project would have no net impact on stormwater flows. In addition, given the type of development associated with Related Project No. 6 (i.e., expansion within an existing developed site), this related project also would not result in an increase in stormwater flows. In accordance with City requirements, related projects and other future development projects would be required to implement BMPs to manage stormwater in accordance with LID guidelines. Furthermore, the City of Los Angeles Department of Public Works would review each future development project on a case-by-case basis to ensure sufficient local and regional infrastructure is available to accommodate stormwater runoff. Therefore, the Project's contribution to cumulative impacts to surface water hydrology would not be cumulatively considerable. As such, cumulative impacts would be less than significant.

As discussed above, Reduced Alternative 5 would further reduce the Project's already less-than-significant impacts to surface water hydrology, and therefore cumulative impacts to surface water hydrology would also be less than significant under Reduced Alternative 5.

(ii) Surface Water Quality

Future growth in the Los Angeles River Watershed, including the nearby Fashion Square Mall Expansion (Related Project No. 6), would be subject to NPDES requirements relating to water quality for both construction and operation. The Project would not have an adverse impact on water quality, and would improve the quality of on-site flows through the implementation of new BMPs that would collect, treat, and discharge runoff from the Project Site. Also, the Project and other future development projects would be subject to LID, SUSMP, and SWPPP requirements and implementation of measures to comply with the total maximum daily loads. Increases in regional controls associated with other elements of the Municipal Separate Storm Sewer System Permit would improve regional water quality over time. Therefore, the Project's contribution to cumulative impacts to surface water quality would not be cumulatively considerable. As such, cumulative impacts would be less than significant.

As discussed above, Reduced Alternative 5 would further reduce the Project's already less-than-significant impacts to surface water quality, and would be subject to the same regulatory requirements as the Project, therefore the Reduced Alternative 5's contribution to cumulative

impacts to surface water quality would not be cumulatively considerable and, as such, cumulative impacts would also be less than significant.

(iii) Groundwater Hydrology

Cumulative groundwater hydrology impacts could result from the overall use of groundwater basins located in proximity to the Project Site and the related projects. In addition, interruptions to existing injection or supply wells or designated spreading grounds and interruptions to the existing groundwater hydrology flow via dewatering operations would have the potential to affect groundwater levels. However, no water supply wells, spreading grounds, or injection wells are located within a 1-mile radius of the Project Site. Implementation of the Project would result in a slight increase in impervious surface area and development of the related projects could result in increases or decreases to impervious surface area within their respective project sites. Any calculation of the extent to which the related projects would increase or decrease impervious or pervious surfaces that might affect groundwater hydrology would be speculative. As the related projects are all located in a highly urbanized area, any reduction in groundwater recharge due to the overall net change in impervious area within the related project sites would be minimal in the context of the regional groundwater basin. In addition, while Project development could require temporary dewatering during construction, the Project would not involve the permanent extraction of groundwater from the Project Site or otherwise use the groundwater, or increase the amount of impervious surface area that would impact the existing groundwater recharge. Further, related projects within the groundwater basin would be required to incorporate structural design recommendations for subterranean levels that are able to withstand hydrostatic forces and incorporate comprehensive waterproofing systems in accordance with current industry standards and construction methods. Based on the US Geological Survey, the surrounding area is not located within an area with groundwater wells or on sites identified with a high water table. If any of the related projects require permanent dewatering systems, such systems would be regulated by the SWRCB permit requirements. Should excavation for other related projects extend beneath the groundwater level, temporary groundwater dewatering systems would be designed and implemented in accordance with SWRCB permit requirements. Similar to the Project, dewatering operations would be limited to localized impacts to the groundwater level.

Based on the above, the Project's contribution to groundwater recharge or changes in groundwater hydrology would not be cumulatively considerable and, as such, cumulative impacts to groundwater hydrology would be less than significant.

As discussed above, Reduced Alternative 5 would further reduce the Project's already less-than-significant impacts to groundwater hydrology, and Reduced Alternative 5's contribution to groundwater recharge or changes in groundwater hydrology would not be cumulatively considerable and, as such, cumulative impacts to groundwater hydrology would also be less than significant.

(iv) Groundwater Quality

Compliance with all applicable existing regulations at the Project Site would prevent the Project from affecting or expanding any potential areas affected by contamination, increasing the level of contamination, or causing regulatory water quality standards at an existing production well to be violated, as defined in the California Code of Regulations, Title 22, Division 4, Chapter 15 and the Safe Drinking Water Act. As with the Project, the related projects would be unlikely to cause or increase groundwater contamination given the land uses proposed. The Project and the related projects would comply with existing statutes and regulations that would similarly prevent the

related projects from affecting or expanding any potential areas affected by contamination, or increasing the level of contamination, or causing regulatory water quality standards at an existing production well to be violated. Therefore, the Project's contribution to cumulative impacts to groundwater quality would not be cumulatively considerable. As such, cumulative impacts would be less than significant.

As discussed above, Reduced Alternative 5 would further reduce the Project's already less-than-significant impacts to groundwater quality, and would also comply with existing statutes and regulations that would similarly prevent the related projects from affecting or expanding any potential areas affected by contamination, or increasing the level of contamination, or causing regulatory water quality standards at an existing production well to be violated; therefore, cumulative impacts to groundwater quality would also be less than significant under Reduced Alternative 5.

#### (D) Project Design Features

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

#### (E) Conclusion

With compliance with existing regulations, the Reduced Alternative 5 would result in less-than-significant impacts associated with hydrology and water quality. Therefore, no mitigation measures are required.

### 5. Land Use and Planning

#### (A) Project Impacts

The Draft EIR concludes that the Project (i) would be consistent with the relevant objectives and policies that support the goals of the General Plan Framework; (ii) would be generally consistent with the objectives and policies that support the goals of the Community Plan; (iii) would support the City's objectives and policies of the Los Angeles General Plan Housing Element regarding an adequate supply of rental housing and promoting sustainable neighborhoods with a mix of uses; (iv) would be consistent with the general intent of the Los Angeles General Plan Health and Wellness Element—Plan for a Healthy Los Angeles; (v) with approval of the requested discretionary actions, would be consistent with all applicable provisions of the LAMC; (vi) would be consistent with the applicable goals and principles set forth in the 2012–2035 Regional Transportation Plan/Sustainable Communities Strategy, the 2012–2035 Regional Transportation Plan/Sustainable Communities Strategy, and the Compass Growth Vision Report, and would be consistent with the applicable goals and policies set forth in the Regional Comprehensive Plan; (vii) would not promote development that is incompatible with the surrounding community; and (viii) would have less-than-significant impacts related to land use compatibility.

As the Reduced Alternative 5 would involve the development of similar uses as the Project, this alternative would require the same discretionary approvals as the Project. The Reduced Alternative 5 would feature one fewer building and reduced density, massing, and FAR within the Project Site compared to the Project. Notwithstanding, as with the Project, approval of the requested zone changes, the Reduced Alternative 5 would also be consistent with the height and FAR restrictions for the Project Site. Furthermore, while the Reduced Alternative 5 would reduce the square footage proposed by the Project, the Reduced Alternative 5 would support policies

related to the development of new multi-family residential uses near jobs and transit, policies regarding the development of a diversity of uses within one site, policies regarding the preservation of historical resources, and policies regarding the provision of publicly accessible open space. Overall, as with the Project, with approval of the discretionary actions under the Reduced Alternative 5, this alternative would be consistent with the overall intent of the applicable goals, policies, and objectives in local and regional plans that govern development on the Project Site. Therefore, similar to the Project, impacts related to land use consistency would be less than significant under the Reduced Alternative 5. Such impacts would be similar to the less-than-significant impacts of the Project.

With regard to land use compatibility, the Reduced Alternative 5 would develop the same types of uses as the Project, but at a reduced density and with reduced building footprints. Therefore, like the Project, the multi-family residential and neighborhood-serving commercial uses proposed under the Reduced Alternative 5 would be compatible with and would complement existing and future development in the Project area. The Reduced Alternative 5 would also represent an extension and reflection of the surrounding environment, similar to the Project. Therefore, as with the Project, the Reduced Alternative 5 would not substantially or adversely change the existing land use relationships between the Project Site and existing off-site uses, or have a long-term effect of adversely altering a neighborhood or community through ongoing disruption, division, or isolation. Overall, like the Project, impacts associated with land use compatibility would be less than significant under the Reduced Alternative 5. Such impacts would be less than those of the Project due to the reduced heights, building footprints, and massing, and the implementation of additional landscaped areas.

#### (B) Cumulative Impacts

The related project uses consist of infill development and redevelopment of existing uses, including residential, commercial, and restaurant uses, or a mix of such uses, and institutional uses. Similar to the Project, the related projects would be required to comply with relevant and applicable land use policies and regulations. As the Project would be generally consistent with applicable land use plans, the Project would not incrementally contribute to cumulative inconsistencies regarding land use plans. As such, cumulative impacts regarding compliance with the applicable regulatory framework would not be cumulatively considerable and cumulative impacts would be less than significant.

The nearest related project to the Project Site is Related Project No. 6, which is located directly east of Hazeltine Avenue and the Project Site. Related Project No. 6 would involve the expansion of the Westfield Fashion Square facilities. As the improvements proposed as part of Related Project No. 6 would involve similar uses and the continuation and expansion of existing uses, Related Project No. 6 would be compatible with the uses already in the vicinity of the Project Site and with the various developments planned throughout the surrounding vicinity. While the Project in combination with the related projects represents a continuing trend of infill development at increased densities, future development inclusive of the Project would also serve to modernize the Project area and provide sufficient infrastructure and amenities to serve the growing population. The related projects are not expected to fundamentally alter the existing land use relationships in the community, but rather would concentrate development on particular sites and promote a synergy between existing and new uses. Furthermore, the Project's proposed mix of residential and neighborhood-serving commercial uses would be compatible with surrounding land uses. Thus, the Project would not have a cumulatively considerable impact on land use compatibility. As such, the combined land use compatibility impacts associated with the Project's incremental effect and the effects of other related projects would be less than significant.

As discussed above, Reduced Alternative 5 would have impacts to land use consistency similar to the less-than-significant impacts of the Project, and the impacts associated with land use compatibility would be less than the less-than-significant impacts associated with the Project, and therefore cumulative impacts to land use consistency and land use compatibility would also be less than significant under Reduced Alternative 5.

(C) Project Design Features

No specific project design features beyond the project improvements discussed in Section II, Project Description, of the Draft EIR, are proposed with regard to land use.

(D) Conclusion

Project-level and cumulative impacts with regard to land use would be less than significant under Reduced Alternative 5. Therefore, no mitigation measures are required.

6. Public Services

Section 35 of Article XIII of the California Constitution at subdivision (a)(2) provides: "The protection of public safety is the first responsibility of local government and local officials have an obligation to give priority to the provision of adequate public safety services." Section 35 of Article XIII of the California Constitution was adopted by the voters in 1993 under Proposition 172. Proposition 172 directed the proceeds of a 0.50-percent sales tax to be expended exclusively on local public safety services. California Government Code Sections 30051-30056 provide rules to implement Proposition 172. Public safety services include fire protection. Section 30056 mandates that cities are not allowed to spend less of their own financial resources on their combined public safety services in any given year compared to the 1992-93 fiscal year. Therefore, an agency is required to use Proposition 172 to supplement its local funds used on fire protection services, as well as other public safety services. In *City of Hayward v. Board of Trustees of California State University* (2015) 242 Cal. App. 4th 833, the court found that Section 35 of Article XIII of the California Constitution requires local agencies to provide public safety services, including fire protection and police services, and that it is reasonable to conclude that the city will comply with that provision to ensure that public safety services are provided.

(A) Public Services – Fire Protection

(i) Fire Protection – Construction

The Draft EIR concludes that Project construction would not require the addition of a new fire station or the expansion, consolidation, or relocation of an existing facility in order to maintain service, and therefore that impacts to fire protection and emergency medical services during construction would be less than significant, and no mitigation measures are required.

As noted above, while the types of construction activities required for the Reduced Alternative 5 would be similar to the Project, the amount of construction activities would be reduced. Therefore, the potential for construction activities at the Project Site to result in accidental on-site fires would be anticipated to be less than that of the Project under the Reduced Alternative 5. Thus, as with the Project, compliance with regulatory requirements under the Reduced Alternative 5 would effectively reduce the potential for construction activities to expose people to the risk of fire or explosion related to hazardous materials and non-hazardous combustible materials.

Construction activities could also potentially impact the provision of LAFD services as a result of construction impacts to the surrounding roadways. As construction activities under the Reduced Alternative 5 would be less than those of the Project, construction-related traffic on adjacent streets which could temporarily interfere with local and on-site emergency response would be reduced compared to the Project. Therefore, the potential for construction activities associated with the Reduced Alternative 5 to impact the provision of LAFD services due to travel time delays caused by traffic during the construction phase would be reduced compared to the Project. As with the Project, a Construction Management Plan would also be implemented under the Reduced Alternative 5 to ensure that adequate and safe access remains available within and near the Project Site during construction activities. Therefore, like the Project, construction-related impacts with regard to fire protection and emergency medical services under the Reduced Alternative 5 would be less than significant. Such impacts would be less than to those of the Project.

(ii) Fire Protection – Operation

The Draft EIR concludes that compliance with applicable regulatory requirements would ensure that adequate fire prevention features would be provided that would reduce the demand on LAFD facilities and equipment, and therefore that impacts with regard to LAFD facilities and equipment would be less than significant. The Draft EIR also concludes that the Project's overall impacts with regard to response distance and times and emergency access would be less than significant, and that the Project's impacts with regard to fire flow would be less than significant.

As with the Project, the Reduced Alternative 5 would introduce a new residential population to the Project Site that would contribute to an increase in demand for LAFD fire protection and emergency medical services. This increased demand for LAFD fire protection and emergency medical services would be reduced compared to that of the Project due to the decrease in the number of residential dwelling units. In addition, similar to the Project, the Reduced Alternative 5 would implement applicable building construction and Fire Code requirements regarding structural design, building materials, site access, fire flow, storage and management of hazardous materials, alarm and communications systems, building sprinkler systems, and provision of fire lanes, etc. Therefore, like the Project, compliance with applicable regulatory requirements would ensure that adequate fire prevention features would be provided that would reduce the demand on LAFD facilities and equipment. Additionally, similar to the Project, Fire Stations Nos. 88, 102, and 78 would continue to be available to serve the Project Site in the event of an emergency. In accordance with LAMC requirements regarding response distances, the Reduced Alternative 5 would also install a sprinkler system within each proposed building. Furthermore, as with the Project, the Reduced Alternative 5 would continue to maintain emergency access to the Project Site and surrounding uses. The Reduced Alternative 5 would also provide for the construction of the necessary on-site water infrastructure and off-site connections to the City of Los Angeles Department of Water and Power system pursuant to applicable City requirements. Therefore, similar to the Project, overall impacts with regard to LAFD fire protection and emergency medical services during operation of the Reduced Alternative 5 would be less than significant. Such impacts would be less than those of the Project.

(iii) Fire Protection – Cumulative Impacts

The increase in development and residential service populations from the Project and related projects could result in a cumulative increase in the demand for LAFD services. However, similar to the Project, the related projects would be reviewed by the LAFD to ensure that sufficient fire safety and hazards measures are implemented to reduce potential impacts to fire protection and emergency medical services. Furthermore, each related project would be required to comply with

regulatory requirements related to fire protection and emergency medical services and would be subject to the City's standard construction permitting process. Given that the Project Site is located within an urban area, each of the related projects identified in the area would likewise be developed within urbanized locations that would fall within an acceptable distance from one or more existing fire stations or be required to install an automatic sprinkler system if such distance requirements are not met. LAFD would also continue to monitor growth and development in the City and identify additional resource needs including staffing, equipment, trucks and engines, ambulances, other special apparatuses, and possibly station expansions or new station construction that may become necessary to achieve the required level of service. Through the City's regular budgeting efforts, LAFD's resource needs would be identified and allocated according to the priorities at the time. Overall, the Project's contribution to cumulative impacts to fire protection and emergency medical services would not be cumulatively considerable. As such, cumulative impacts on fire protection and emergency medical services would be less than significant.

As discussed above, Reduced Alternative 5 would further reduce the Project's already less-than-significant impacts to fire protection and emergency medical services, and therefore cumulative impacts to such services would also be less than significant under Reduced Alternative 5.

(B) Public Services – Schools

(i) Schools – Construction

The Draft EIR concludes that impacts to schools during Project construction would be less than significant.

As with the Project, the Reduced Alternative 5 would generate part-time and full-time jobs during construction. However, like the Project, the construction employment generated by the Reduced Alternative 5 would not result in a notable increase in the resident population or a corresponding demand for schools in the vicinity of the Project Site due to the employment patterns of construction workers in Southern California and the operation of the market for construction labor. Therefore, similar to the Project, impacts to schools during construction of the Reduced Alternative 5 would be less than significant. Such impacts would be similar to those of the Project.

(ii) Schools – Operation

The Draft EIR concludes that, with adherence to existing regulations, impacts on schools would be less than significant and mitigation measures would not be required.

As with the Project, the Reduced Alternative 5 would directly generate students through the construction of multi-family dwelling units, which would generate an increased demand for seats within the LAUSD schools serving the Project Site. This increased demand would be reduced compared to the Project due to the reduction in the number of residential units. In addition, as with the Project, the Reduced Alternative 5 would pay development fees under the provisions of Senate Bill 50. Pursuant to Government Code Section 65995, the payment of these fees is considered full and complete mitigation of school impacts. Therefore, payment of the applicable development fees for schools to the LAUSD would offset the impact of additional student enrollment at schools serving the Project area. Thus, similar to the Project, impacts related to schools would be less than significant under the Reduced Alternative 5. Such impacts would be less than those of the Project.

(iii) Schools – Cumulative Impacts

The Project in combination with 7 of the 13 related projects located within the same school attendance boundaries would have the potential to generate a cumulative total of 130 elementary school students, 119 middle school students, and 232 high school students. This degree of cumulative growth would increase the demand for LAUSD services in the Project area. However, as with the Project, future development, including the related projects, would be required to pay development fees for schools to the LAUSD prior to the issuance of building permits pursuant to Senate Bill 50. Pursuant to Government Code Section 65995, the payment of these fees would be considered full and complete mitigation of school impacts generated by the related projects. Therefore, the Project's incremental contribution towards school impacts would not be cumulatively considerable. Cumulative impacts with regard to schools would be less than significant.

As discussed above, Reduced Alternative 5 would further reduce the Project's already less-than-significant impacts to schools, and the Reduced Alternative 5 would also be required to pay development fees for schools; therefore cumulative impacts to schools would also be less than significant under the Reduced Alternative 5.

(C) Public Services – Parks and Recreation

(i) Parks and Recreation – Impacts on Existing Facilities

a. Construction

The Draft EIR concludes that impacts on parks and recreational facilities during Project construction would be less than significant, and mitigation measures would not be required.

As with the Project, the Reduced Alternative 5 would generate part-time and full-time jobs during construction. However, like the Project, the construction employment generated by the Reduced Alternative 5 would not result in a notable increase in the resident population or a corresponding demand for parks and recreational facilities in the vicinity of the Project Site. In addition, similar to the Project, during construction of the Reduced Alternative 5, the use of public parks and recreational facilities by construction workers would be expected to be limited. Furthermore, as the Reduced Alternative 5 would use the same haul route as the Project, the Reduced Alternative 5 would similarly not be expected to result in access restrictions to City parks and recreational facilities in the vicinity of the Project Site nor interfere with existing park usage in a manner that would substantially reduce the service quality of the existing parks in the area. Therefore, similar to the Project, impacts to parks and recreation during construction of the Reduced Alternative 5 would be less than significant. Such impacts would be similar to those of the Project.

b. Parks and Recreation – Operation

The Draft EIR concludes that Project would not substantially increase the demand for off-site public parks and recreational facilities.

Residents are considered the primary users of parks and recreation facilities. Therefore, as with the Project, the Reduced Alternative 5 would generate an additional demand for parks and recreational facilities in the Project area with the construction of multi-family dwelling units. This increased demand would be reduced compared to the Project due to the reduction in the number of residential units under the Reduced Alternative 5. Similar to the Project, the Reduced

Alternative 5 would provide a variety of open space and recreational amenities for the proposed residential uses, including publicly accessible areas throughout the Project Site. In addition to including the open spaces provided by the Project, the Reduced Alternative 5 would also provide additional publicly accessible landscaped open space areas. As with the Project, it is anticipated that residents would generally utilize on-site open space and recreational amenities to meet their recreational needs and would not be expected to cause or accelerate substantial physical deterioration of off-site public parks or recreational facilities. In addition, as is the case with the Project, the Reduced Alternative 5 would comply with applicable regulations and support the City's goals regarding the provision of open space. Therefore, as with the Project, impacts to park and recreation facilities would be less than significant under the Reduced Alternative 5. Such impacts would be less than those of the Project.

(ii) Parks and Recreation – Consistency with Regulations

As with the Project, the Reduced Alternative 5 would meet and exceed the total open space requirement of neighborhood and community parks, and the Public Recreation Plan's long-, intermediate-, and short-range standards for community parks. The Reduced Alternative 5 would also exceed the LAMC requirement for the provision of usable open space, open space, ground cover, and common open space open to the sky. The Reduced Alternative 5 would also support the objectives and policies of the Van Nuys–North Sherman Oaks Community Plan through the provision of on-site publicly accessible open space (including the approximately 28,000-square-foot River Greenway and the proposed Hazeltine Parkway), recreational amenities, and landscaping, which would offset the demand that would be generated by Project residents for public parks and recreational facilities in the Community Plan area.

Overall, compliance with all applicable regulatory requirements would ensure that the intent of the Public Recreation Plan's parkland standards would be met through compliance with State law and LAMC requirements related to the provision and/or funding of parks and recreational spaces. Therefore, impacts to parks and recreational facilities would be less than significant and no mitigation measures are required.

(iii) Parks and Recreation – Cumulative Impacts

Cumulative growth in the greater Project area includes specific known development projects as well as general ambient growth projected to occur. The Community Plan area is currently underserved when considering the desired parkland standards provided in the Public Recreation Plan. As the population continues to grow in the Project area, increased demand would lower the existing parkland to population ratio if new facilities are not constructed.

It is anticipated that the Project's provision of on-site open space would meet the recreational needs of Project residents and the parkland provision goals set forth in the Public Recreation Plan. Development of the related projects would exacerbate the Community Plan area's deficiency in parkland per the Public Recreation Plan's standards. The Project and most of the related projects would be expected to coordinate with the LADRP. Future residential development projects would also be required to comply with the park and recreation requirements of LAMC Sections 12.21, 12.33, 17.12, and 21.10.3(a)(1). As such, cumulative impacts to parks and recreational facilities would be less than significant.

As discussed above, Reduced Alternative 5 would further reduce the Project's already less-than-significant impacts to parks and recreation, and therefore cumulative impacts to parks and recreation would also be less than significant under the Reduced Alternative 5.

#### (D) Project Design Features

There are no specific project design features proposed with regard to fire protection or schools, and no specific project design features beyond the open space and recreation features described in Section II, Project Description, of the Draft EIR are proposed with regard to parks and recreation.

#### (E) Conclusion

Under the Reduced Alternative 5, project-level and cumulative impacts with regard to fire protection and emergency medical services would be less than significant with implementation of the applicable regulatory requirements and the project design features in Section IV.I, Transportation/Traffic, and Section IV.J, Utilities and Service Systems—Water Supply and Infrastructure, of the Draft EIR. Therefore, no mitigation measures are required.

Under the Reduced Alternative 5, project-level and cumulative impacts with regard to schools would be less than significant with implementation of all applicable regulatory requirements as stated above. Therefore, no mitigation measures are required.

Under the Reduced Alternative 5, project-level and cumulative impacts with regard to parks and recreational facilities would be less than significant with implementation of all applicable regulatory requirements. Therefore, no mitigation measures are required.

### 7. Utilities and Service Systems – Water Supply and Infrastructure

#### (A) Construction

The Draft EIR concludes that construction-related impacts to water supply and infrastructure from the Project would be less than significant.

Like the Project, construction activities associated with the Reduced Alternative 5 would result in a temporary increase in water demand. This demand would be less than that of the Project due to the reduced amount of construction activities and grading and dust control that would be required under the Reduced Alternative 5. As evaluated in Section IV.J, Utilities and Service Systems—Water Supply and Infrastructure, of the Draft EIR, the Project's temporary and intermittent demand for water during construction could be met by the City's available supplies during each year of construction. As the water demand for construction activities for the Reduced Alternative 5 would be reduced, this alternative's temporary and intermittent demand for water during construction would also be expected to be met by the City's available water supplies. In addition, as discussed in Section IV.J, Utilities and Service Systems—Water Supply and Infrastructure, of the Draft EIR, the existing LADWP water infrastructure would be adequate to provide for the water flow necessary to serve the Project and, similarly, the Reduced Alternative 5. Furthermore, as with the Project, the design and installation of new service connections under the Reduced Alternative 5 would be required to meet applicable City standards. Therefore, similar to the Project, construction-related impacts on utilities and service systems, specifically to water supply and infrastructure, would be less than significant under the Reduced Alternative 5. Such impacts would be less than those of the Project.

### (B) Operation

The Draft EIR concludes that the Project's operation-related impacts on water supply and infrastructure would be less than significant.

As with the Project, operation of the Reduced Alternative 5 would generate an increased demand for water compared to existing conditions. Since the Reduced Alternative 5 would reduce the multi-family residential and neighborhood-serving commercial uses of the Project, water demand for this alternative would be reduced compared to that estimated for the Project. In addition, as with the Project, the Reduced Alternative 5 would incorporate sustainability features consistent with the City's Green Building Ordinance. Therefore, the Reduced Alternative 5 would similarly be within the available and projected available water supplies for normal, single-dry, and multiple-dry years through the year 2035 and, as such, LADWP would be able to meet the water demand for the Reduced Alternative 5. Additionally, similar to the Project, existing LADWP water infrastructure would have adequate capacity to serve this alternative's fire flow demand as well as its domestic water demand. As with the Project, the proposed residential and commercial land uses are within the range of development intensity contemplated and permitted under the Site's "Community Commercial" General Plan land use designation. Therefore, as with the Project, impacts to utilities and service systems, specifically to water supply and infrastructure, under the Reduced Alternative 5 would be less than significant. Such impacts would be less than those of the Project.

### (C) Cumulative Impacts

#### (i) Water Supply

The related projects would generate a total average daily water demand of approximately 187,438 gpd. The estimate of the related projects' water demand is conservative as it does not account for water conservation measures such as the mandatory indoor water reduction rates required by the City of Los Angeles Green Building Code. The Project's new development in conjunction with the related projects would yield a cumulative average water demand of approximately 234,401 gpd. Based on water demand projections through 2035 in LADWP's 2010 Urban Water Management Plan, LADWP determined that it will be able to reliably provide water to its customers through the year 2035, as well as the intervening years (i.e., 2018). Thus, as with the Project, the related projects would be within the available and projected available water supplies for normal, single-dry, and multiple-dry years through the year 2035. Compliance of the Project and other future development projects with regulatory requirements that promote water conservation such as the LAMC, including the City's Green Building Code, and AB 32, would also assist in assuring that adequate water supply is available on a cumulative basis. Specifically, related projects that include newly constructed buildings would be subject to the City's Green Building Code requirement to reduce indoor water use by at least 20 percent.

Overall, through LADWP's Urban Water Management Plan, the City will meet all new demand for water, resulting from projected population growth through a combination of water conservation and water recycling. Based on the above analysis, it is anticipated that LADWP would be able to supply the demands of the Project and future growth. Therefore, Project impacts on water supply would not be cumulatively considerable, and cumulative impacts on water supply would be less than significant.

As discussed above, the Reduced Alternative 5 would further reduce the Project's already less-than-significant impacts to water supply, and the Reduced Alternative 5 would also be required to

comply with applicable regulatory requirements that promote water conservation; therefore cumulative impacts to water supply would also be less than significant under the Reduced Alternative 5.

(ii) Water Infrastructure

As with the Project, new development projects would be subject to LADWP review to assure that the existing public utility facilities would be adequate to meet the domestic and fire water demands of each project, and individual projects would be subject to LADWP and City requirements regarding infrastructure improvements needed to meet respective water demands, flow, and pressure requirements, etc. Furthermore, LADWP, Los Angeles Department of Public Works, and the Los Angeles Fire Department would conduct ongoing evaluations to ensure facilities are adequate. Therefore, Project impacts on the water infrastructure system would not be cumulatively considerable.

As discussed above, Reduced Alternative 5 would further reduce the Project's already less-than-significant impacts to water infrastructure, and therefore impacts on the water infrastructure system would also not be cumulatively considerable under Reduced Alternative 5.

(D) Project Design Features

**PDF J-1** The Project design shall incorporate the following design features to support water conservation:

- Use of dual-flush water closets and no-flush or waterless urinals in all non-residential restrooms.
- Use of residential bathroom faucets with a maximum flow rate of 1.2 gpm. Use of kitchen faucets with a maximum flow rate of 1.8 gpm with the capability to increase to 2.2 gpm momentarily for filling pots and pans.
- No more than one showerhead per shower stall.
- Use of high-efficiency clothes washers within individual units (with a water factor of 6.0 or less) and/or in common laundry rooms (commercial washers with a water factor of 7.5 or less).<sup>3</sup>
- Incorporation of a leak detection system for any swimming pool, Jacuzzi, or other comparable spa equipment introduced on-site.
- Use of high-efficiency ENERGY STAR-rated dishwashers in residential units.
- Use of a weather-based irrigation controller with rain shutoff, matched precipitation(flow) rates for sprinkler heads, and rotating sprinkler

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<sup>3</sup> ENERGY STAR defines water factor as the number of gallons per cycle per cubic foot used by the clothes washer.

nozzles or comparable technology such as drip/microspray/subsurface irrigation where appropriate.

- Installation of a separate water meter (or submeter), flow sensor, and master valve shutoff for irrigated landscape areas totaling 5,000 square feet and greater.
- Use of proper hydro-zoning and turf minimization, as feasible.

**PDF J-2** The Project shall replace the two existing on-site fire hydrants and install two new on-site fire hydrants that would connect to the existing on-site 8-inch water main.

(E) Conclusion

Under the Reduced Alternative 5, project-level and cumulative impacts with regard to water would be less than significant with compliance with regulatory requirements and implementation of project design features. Therefore, no mitigation measures are required.

VII. ENVIRONMENTAL IMPACTS FOUND TO BE LESS THAN SIGNIFICANT AFTER MITIGATION

The following impact areas were concluded by the Draft EIR to be less than significant with the implementation of mitigation measures described in the Final EIR. Based on that analysis and other evidence in the administrative record relating to the project, the City finds and determines that mitigation measures described in the Final EIR reduce potentially significant impacts identified for the following environmental impact categories to below the level of significance. Pursuant to Public Resources Code Section 21081, the City finds that changes or alterations have been required in, or incorporated into, the Reduced Alternative 5 which mitigate or avoid each of the following significant effects on the environment.

1. Air Quality

(A) Impact Summary

(i) Construction

a. Regional Construction Impacts

The Draft EIR concludes that regional construction emissions resulting from the Project would result in a significant short-term impact without incorporation of mitigation measures.

As with the Project, construction of the Reduced Alternative 5 has the potential to create air quality impacts through the use of heavy-duty construction equipment and through vehicle trips generated from construction workers traveling to and from the Project Site. In addition, fugitive dust emissions would result from demolition and construction activities. As discussed in Section IV.B, Air Quality, of the Draft EIR, construction emissions can vary substantially from day to day, depending on the level of activity, the specific type of operation and, for dust, the prevailing weather conditions. In order to provide a conservative analysis, it was assumed that all construction activities would be completed within the minimum timeframe anticipated for

construction, which provides for the maximum overlap of construction components within the Project's overall development period.

While the Reduced Alternative 5 would reduce the number of buildings, the surface area to be disturbed within the Project Site would be similar to the Project. Therefore, the overall amount of demolition would be similar to the Project. However, the Reduced Alternative 5 would require less excavation with the removal of Building C. In particular, whereas the Project proposes the export of approximately 157,400 cubic yards of soil from the Project Site, the Reduced Alternative 5 proposes the export of only 152,870 cubic yards of soil. Thus, the intensity of air emissions and fugitive dust from demolition, site preparation, grading, and other construction activities associated with the Reduced Alternative 5 would be reduced compared to the Project. Notwithstanding, it is anticipated that on days with maximum construction activities, similar amount of construction activities would be occurring while reducing the construction schedule. Because maximum daily conditions are used for measuring significance, regional impacts on these days would be similar to those of the Project and would be significant for NO<sub>x</sub>. As with the Project, the Reduced Alternative 5 would implement necessary mitigation measures to reduce this significant impact. Like the Project, with implementation of mitigation, impacts associated with regional construction emissions under the Reduced Alternative 5 would be reduced to a less than significant level. Such impacts would be less than the impacts of the Project.

#### b. Localized Impacts from On-Site Construction Activities

The Draft EIR concludes that localized construction emissions resulting from the Project would result in a less-than-significant air quality impact.

As the intensity of site grading and use of heavy-duty construction equipment on maximum construction activity days would be similar to that of the Project and as construction activities would be located at similar distances from sensitive receptors as the Project, localized emissions under the Reduced Alternative 5 would also be similar to the Project. Therefore, as with the Project, localized impacts under the Reduced Alternative 5 would be less than significant. Such impacts would be similar to the less-than-significant impacts of the Project.

#### c. Toxic Air Contaminants

The greatest potential for TAC emissions during construction would be from diesel particulate emissions associated with heavy equipment operations during grading and excavation activities. According to SCAQMD methodology, health effects from carcinogenic air toxics are usually described in terms of individual cancer risk. "Individual Cancer Risk" is the likelihood that a person exposed to concentrations of TACs over a 70-year lifetime will contract cancer, based on the use of standard risk-assessment methodology. Because the construction schedule estimates that the phases which require the most heavy-duty diesel vehicle usage, such as site grading/excavation, would last for a much shorter duration (e.g., approximately three months), construction of the Project would not result in a substantial, long-term (i.e., 70-year) source of TAC emissions. Additionally, the SCAQMD CEQA guidance does not require a health risk assessment for short-term construction emissions. It is therefore not necessary to evaluate long-term cancer impacts from construction activities which occur over a relatively short duration. In addition, there would be no residual emissions or corresponding individual cancer risk after construction. As such, Project-related TAC impacts during construction would be less than significant.

As discussed above, while the amount of surface grading would be similar to the Project, excavation activities would be reduced. Therefore, overall construction emissions generated by the Reduced Alternative 5 would be reduced compared to the Project. As such, impacts due to TAC emissions under the Reduced Alternative 5 would also be less than significant and such impacts would be reduced compared to the Project.

d. Odors

Construction operations, including asphalt paving operations, may produce perceptible odors. Dust and diesel odors are typical near construction sites. Large diesel-powered vehicles are frequently present during construction activities. Diesel exhaust from vehicles is not typically a health concern unless vehicles operate or idle in close proximity to structural air intakes, pedestrian areas, or sensitive receptors. The operation of diesel-powered construction equipment could generate nuisance diesel odors at nearby receptors. In accordance with Sections 2485 in Title 13 of the California Code of Regulations (CCR), the idling of all diesel-fueled commercial vehicles (weighing over 10,000 pounds) during construction shall be limited to 5 minutes at any location. With regard to the operation of any stationary, diesel-fueled, compression-ignition engines, Section 93115 in Title 17 of the CCR specifies fuel and fuel additive requirements and emission standards. Compliance with these requirements would minimize the potential nuisance of diesel odors during construction to a less-than-significant level.

Other potential sources that may emit odors during construction activities include the use of architectural coatings and solvents. SCAQMD Rule 1113 limits the amount of VOC content from architectural coatings and solvents. As a result of the Project Applicant's mandatory compliance with applicable SCAQMD rules and regulations, construction activities and materials would result in less-than-significant impacts with regard to odors that affect a substantial number of people.

Given that the type of construction activities under the Reduced Alternative 5 would be similar to the Project, construction-related odor impacts would also be similar to the Project. In addition, like the Project, construction activities associated with the Reduced Alternative 5 would comply with applicable SCAQMD rules and regulations regarding odors. As such, similar to the Project, construction-related odor impacts under the Reduced Alternative 5 would be less than significant. Such impacts would be similar to the less-than-significant impacts of the Project.

(ii) Operation

a. Regional Operational Impacts

As evaluated in Section IV.B, Air Quality, of the Draft EIR, regional emissions resulting from operation of the Project are not expected to exceed any of the SCAQMD's daily regional operational thresholds at its projected buildout year. Therefore, air quality impacts from Project operational emissions at Project buildout would be less than significant.

An analysis of daily operational emissions of existing conditions without the Project versus with the Project was also conducted. The net overall operational emissions associated with the Project under existing (2014) conditions would be higher than the estimated emissions at the projected Project build-out year of 2018. This increase is exclusively a function of the change in default CalEEMod emission factors from 2014 to 2018 (i.e., vehicular fleet mix is cleaner in subsequent years as a result of cleaner newer vehicles). Therefore, the later the construction buildout year, the greater the reduction in emissions. The Project analysis would slightly exceed

SCAQMD daily regional NO<sub>x</sub> operational threshold. Therefore, air quality impacts from Project operational emissions would be significant under the existing plus Project scenario. This conclusion is conservative in that it assumes that the Project would be built in 2014, which is not based in reality as it would not exist in 2014 and the actual impact would not occur. Yet, for CEQA purposes and to conservatively disclose potential impacts, the EIR calculates these emissions which could be significant (only for the NO<sub>x</sub> threshold) if the project was developed in 2014, and as discussed in Section VIII.1. below, regional operational impacts from NO<sub>x</sub> emissions under 2014 existing conditions are conservatively considered a significant and unavoidable impact.

Similar to the Project, operational regional air pollutant emissions associated with the Reduced Alternative 5 would be generated by vehicle trips to the Project Site and the consumption of electricity and natural gas. As noted above, the Reduced Alternative 5 would reduce the number of multi-family residential units and the neighborhood-serving commercial uses proposed by the Project. Therefore, area and stationary sources under the Reduced Alternative 5 would generate operational pollutant emissions that would be reduced compared to the Project. Similarly, the number of daily trips generated by the Reduced Alternative 5 would be reduced compared to the Project. As vehicular emissions depend on the number of trips, vehicular sources would generate operational pollutant emissions that would be reduced compared to the Project. Overall, as with the Project, except for the conservative assumption regarding regional operational impacts from NO<sub>x</sub> emissions under 2014 existing conditions, air quality impacts associated with regional operational emissions under the Reduced Alternative 5 would be less than significant. Such impacts would be less than those of the Project.

With regard to on-site localized emissions, as with the Project, the Reduced Alternative 5 would not introduce any major new sources of air pollution within the Project Site. Therefore, similar to the Project, localized impacts from on-site emission sources associated with the Reduced Alternative 5 would also be less than significant. Such impacts would be less than those of the Project due to the reduced amount of development under the Reduced Alternative 5.

Localized mobile source operational impacts are determined primarily by peak-hour intersection traffic volumes. As previously discussed, the number of net new peak-hour trips generated by the Reduced Alternative 5 would be reduced compared to the Project due to the reduction in the multi-family residential units and the neighborhood-serving commercial uses. Because the localized CO hotspot analysis for the Project did not result in any significant impacts, localized impacts under the Reduced Alternative 5 would also be less than significant. Such impacts would be less than the impacts of the Project.

#### b. Localized Impacts from On-Site Operational Activities

Operation of the Project would not introduce any major new sources of air pollution within the Project Site. On-site operational emissions would not exceed any of the localized significance thresholds at Project build-out.

An analysis of daily operational on-site emissions of existing conditions without the Project versus with the Project (2014) was also conducted. The net overall operational on-site emissions associated with the Project (2014) under existing conditions (2014) would be similar to the estimated emissions during Project build-out (2018). As with the Project build-out (2018) analysis year, on-site operational emissions under existing conditions would not exceed any of the localized significance thresholds. Assuming a 2018 build-out year results in a conservative analysis given the later the construction buildout year, the greater the reduction in emissions (i.e., vehicular fleet mix is cleaner in subsequent years as a result of cleaner newer vehicles).

Therefore, localized impacts from on-site emission sources as conservatively analyzed would be less than significant.

As discussed in the supplemental air quality analysis prepared with respect to Reduced Alternative 5, included as Appendix FEIR-2 of the Final EIR, the Reduced Alternative 5 proposes changes to the parking facilities compared to the Project. Specifically, under the Reduced Alternative 5, parking would be provided in three separate parking facilities instead of two parking facilities. The six-level parking structure (four above-grade levels and two subterranean levels) previously proposed along Hazeltine Avenue would be relocated to the western portion of the Project Site, west of the Sunkist Building, along Calhoun Avenue, and reduced to five levels (three above-grade levels and two subterranean levels) with rooftop parking. However, due to the sunken grade along the western portion of the Project Site, only two parking levels would be viewed from the Calhoun Avenue residences located across the street from the Project Site. In addition, a surface parking lot is now proposed east of the Sunkist Building to serve mainly the neighborhood-serving commercial uses proposed within Buildings A and B. The parking structure located west of the Sunkist Building would provide 490 parking spaces and would primarily serve the Sunkist Building (in addition to 39 stalls located below the Sunkist Building). The remaining spaces would be provided within the proposed surface parking lot and in the subterranean parking levels provided below Building A and Building B.

While the newly relocated and redesigned parking structure would be located closer to residential uses along Calhoun Avenue, pollutant emissions resulting from on-site vehicle travel would not result in a localized air quality impact for off-site residential uses. Access to the parking structure would only be available through a driveway located on the southern portion of the Project Site, away from nearby residential uses. Driveway access would not be provided along Calhoun Avenue, which limits the number of Project-related trips and emissions near residential uses east of the Project Site. The parking structure would also be required to comply with Los Angeles Municipal Code (LAMC) building codes for garage ventilation which are designed to be health protective of individuals on the interior and exterior of the garage. Section 120.6(c) of the LAMC, Mandatory Requirements for Enclosed Parking Garages, requires a ventilation rate of 0.15 cubic feet per minute per square feet of (cfm/sf) parking space. Garage ventilation ducts would be located away from residential uses to the furthest extent possible.

With regard to on-site localized emissions, as with the Project, the Reduced Alternative 5 would not introduce any major new sources of air pollution within the Project Site. Therefore, similar to the Project, localized impacts from on-site emission sources associated with the Reduced Alternative 5 would also be less than significant. Such impacts would be less than those of the Project due to the reduced amount of development under the Reduced Alternative 5.

At buildout of the Project, the highest average daily trips at an intersection would be approximately 54,560 at the Magnolia Boulevard and Van Nuys Boulevard intersection, which is below the daily traffic volumes that would be expected to generate CO exceedances as evaluated in the 2003 AQMP. This daily trip estimate is based on the peak hour conditions of the intersection. There is no reason unique to SCAB meteorology to conclude that the CO concentrations at the Magnolia Boulevard and Van Nuys Boulevard intersection would exceed the 1-hour CO standard if modeled in detail, based on the studies undertaken for the 2003 AQMP. Therefore, the Project would not cause any new or exacerbate any existing CO hotspots, and, as a result, impacts related to localized mobile-source CO emissions during construction would be less than significant.

As previously discussed, the number of net new peak-hour trips generated by the Reduced Alternative 5 would be reduced compared to the Project due to the reduction in the multi-family residential units and the neighborhood-serving commercial uses. Because the localized CO hotspot analysis for the Project did not result in any significant impacts, localized impacts under the Reduced Alternative 5 would also be less than significant. Such impacts would be less than the impacts of the Project.

As discussed in the supplemental air quality analysis, with regard to the CO hotspots analysis included in the Draft EIR, the CO hotspots analysis assumed sensitive receptors were located adjacent to the intersection (on the sidewalk). Results of this analysis indicated that Project-related traffic would not result in CO concentrations that would exceed ambient air quality standards. As Project-related traffic was shown to not result in a CO hotspot, the relocated parking structure under the Reduced Alternative 5 would not result in new air quality impacts at nearby residential uses.

### c. Toxic Air Contaminants

The Draft EIR concludes that, as the Project would not contain substantial TAC sources and is consistent with CARB and SCAQMD guidelines regarding TAC sources in proximity to existing sensitive land uses, potential TAC impacts would be less than significant, and that the Project would not release substantial amounts of TACs and impacts on human health would be less than significant.

The Draft EIR also concludes, as evaluated in Section IV.B, Air Quality, of the Draft EIR, that the Project would result in locating sensitive receptors within an area of cancer risk in excess of the SCAQMD significance threshold of 10 in one million and, therefore, that the Project would result in a significant impact without incorporation of mitigation measures. The Draft EIR concludes, however, that this carcinogenic risk impact would be reduced to a less-than-significant level after imposition of Mitigation Measures B-2 and B-3. The Draft EIR further concludes that non-cancer health risks from the Project are not considered significant.

The Draft EIR also concludes that the results of the criteria pollutant analysis revealed that CO and NO<sub>2</sub> emissions generated from the adjacent freeway would not exceed the SCAQMD's localized thresholds at the maximum exposed residential receptor. However, PM<sub>10</sub> and PM<sub>2.5</sub> concentrations at the maximum exposed residential receptor would exceed the SCAQMD's localized thresholds without incorporation of mitigation measures.

As discussed in Section IV.B, Air Quality, of the Draft EIR, the primary sources of potential air toxics associated with Project operations include diesel particulate matter from delivery trucks associated with the Project's commercial component. However, these activities, and the land uses associated with the Project, are not considered land uses that generate substantial TAC emissions. In addition, typical sources of acutely and chronically hazardous TACs include industrial manufacturing processes, which are not proposed by the Project. Notwithstanding, the Reduced Alternative 5 would reduce the neighborhood-serving commercial uses proposed by the Project and would therefore reduce the primary sources of potential air toxics within the Project Site associated with delivery trucks from the neighborhood-serving commercial component. Therefore, similar to the Project, the Reduced Alternative 5 would not release substantial amounts of toxic air contaminants and would be consistent with CARB and SCAQMD guidelines regarding TAC sources in proximity to existing sensitive land uses. Thus, as with the Project, potential TAC impacts under the Reduced Alternative 5 would be less than significant. Such impacts would be less than the less-than-significant impacts of the Project.

With regard to TACs, the Reduced Alternative 5 would reduce the number of multi-family residential units within the Project Site compared to the Project. In addition, the Reduced Alternative 5 would implement the same mitigation measures as the Project. Moreover, Reduced Alternative 5 would entirely eliminate residential Building C, previously proposed at the southwest corner of the Project Site (i.e., the residential units that were previously proposed closest to the 101 Freeway). Therefore, as with the Project, impacts regarding off-site TACs would also be less than significant with mitigation and would be less than those of the Project.

d. Odors

According to the SCAQMD's *CEQA Air Quality Handbook*, land uses associated with odor complaints typically include agricultural uses, wastewater treatment plants, food processing plants, chemical plants, composting, refineries, landfills, dairies, and fiberglass molding. The Project does not include any uses identified by the SCAQMD as being associated with odors. Garbage collection areas for the Project would be contained within the subterranean parking garage, and good housekeeping practices would be sufficient to prevent objectionable odors from garbage collection areas. As the proposed retail and retail/supermarket activities would not be a source of odors, potential odor impacts would be less than significant.

As previously discussed, the overall development under the Reduced Alternative 5 would be reduced compared to the Project. In addition, as with the Project, the Reduced Alternative 5 would not include any uses identified by the SCAQMD as being associated with odors. Therefore, similar to the Project, operational odor impacts under the Reduced Alternative 5 would be less than significant. Such impacts would be less than those of the Project.

(iii) SCAQMD CEQA Air Quality Handbook Policy Analysis

Project development would not have a significant short-term or long-term impact on the region's ability to meet State and federal air quality standards. Also, the Project would be consistent with the goals and policies of the AQMP for the control of fugitive dust. The Project's long-term influence would also be consistent with the goals and policies of the AQMP. Therefore, the Project is considered consistent with the SCAQMD's AQMP.

As previously discussed, the overall development under the Reduced Alternative 5 proposes the same uses and would be reduced compared to the Project, and therefore the Reduced Alternative 5 would also be considered consistent with the SCAQMD's AQMP.

(iv) City of Los Angeles Policies

As with the Project, the Reduced Alternative 5 would serve to implement applicable policies of the City of Los Angeles pertaining to air quality. Specifically, development of the Reduced Alternative 5 would implement project features that would reduce vehicular trips, reduce vehicle miles traveled, and encourage use of alternative modes of transportation. Overall, the Reduced Alternative 5's mix of residential and neighborhood serving commercial uses would result in a reduction of vehicle miles traveled and vehicle trips.

(v) Cumulative Impacts

a. Construction

According to the SCAQMD, individual construction projects that exceed the SCAQMD's recommended daily thresholds for project-specific impacts would cause a cumulatively considerable increase in emissions for those pollutants for which the Air Basin is in non-attainment. Construction-related daily emissions at the Project Site would not exceed any of the SCAQMD's regional or localized significance thresholds with incorporation of mitigation measures. Thus, the Project's contribution to cumulative construction-related regional emissions would not be cumulatively considerable and therefore would be less than significant. Construction of the Project also would have a less-than-significant impact with regard to localized emissions. Therefore, the Project's contribution to cumulative air quality impacts due to localized emissions would also not be cumulatively considerable and therefore would be less than significant.

Similar to the Project, the greatest potential for TAC emissions at each related project would generally involve diesel particulate emissions associated with heavy equipment operations during demolition and grading/excavation activities. Construction activities at each related project would not result in a long-term (i.e., 70-year) substantial source of TAC emissions. Additionally, the SCAQMD CEQA guidance does not require a health risk assessment for short-term construction emissions. It is therefore not necessary to evaluate long-term cancer impacts from construction activities which occur over relatively short durations. As such, cumulative toxic emission impacts during construction would be less than significant.

Also similar to the Project, potential sources that may emit odors during construction activities at each related project would include the use of architectural coatings and solvents. SCAQMD Rule 1113 limits the amount of volatile organic compounds from architectural coatings and solvents. Via mandatory compliance with SCAQMD Rules, it is anticipated that construction activities or materials used in the construction of the related projects would not create objectionable odors. Thus, odor impacts from the related projects are anticipated to be less than significant individually, as well as cumulatively in conjunction with the Project.

As discussed above, the construction-related air quality impacts due to localized emissions, toxic air contaminants, and odors under Reduced Alternative 5 would either be similar to or less than the Project's comparable construction-related air quality impacts, and therefore cumulative air quality impacts from construction would also be less than significant under Reduced Alternative 5.

#### b. Operation

According to the SCAQMD, if an individual project results in air emissions of criteria pollutants that exceed the SCAQMD's recommended daily thresholds for project-specific impacts, then the project would also result in a cumulatively considerable net increase of these criteria pollutants. Operational emissions from the Project would not exceed any of the SCAQMD's regional or localized significance thresholds during Project's conservatively analyzed build-out year (2018) (i.e., emissions only reduce over time due to cleaner vehicle fleet). Therefore, the emissions of non-attainment pollutants and precursors generated by the Project's conservative operation build-out year (2018) would not be cumulatively considerable. However, as discussed above, regional NO<sub>x</sub> emissions under the highly conservative existing conditions (2014) scenario would result in a significant operational impact and would be cumulatively considerable. The existing conditions (2014) analysis assumes that the Project would be built in 2014, which is not based in reality as it would not exist in 2014 and the actual impact would not occur. Yet, for CEQA purposes and to conservatively disclose potential impacts, the EIR calculates these emissions which could be significant if the project was developed in 2014, and as discussed in Section VIII.1. below, regional

operational impacts from NO<sub>x</sub> emissions under 2014 existing conditions are conservatively considered a significant and unavoidable impact.

With respect to TAC emissions, neither the Project nor any of the related projects (which are largely residential, retail/commercial, and office uses) would represent a substantial source of TAC emissions, which are typically associated with large-scale industrial, manufacturing, and transportation hub facilities. The Project and related projects would be consistent with the recommended screening level siting distances for TAC sources, as set forth in CARB's Land Use Guidelines, and the Project and related projects would not result in a cumulative impact requiring further evaluation. However, the Project and each of the related projects would likely generate minimal TAC emissions related to the use of consumer products and landscape maintenance activities, among other things. Pursuant to California Assembly Bill 1807, which directs the CARB to identify substances as TACs and adopt ATCMs to control such substances, the SCAQMD has adopted numerous rules (primarily in Regulation XIV) that specifically address TAC emissions. These SCAQMD rules have resulted in and will continue to result in substantial Basin-wide TAC emissions reductions. As such, cumulative TAC emissions during long-term operations would be less than significant. In addition, the Project would not result in any substantial sources of TACs that have been identified by the California Air Resources Board's Land Use Guidelines, and thus, would not result in a cumulatively considerable impact.

As discussed in detail in Topical Response No. 1 included in Section II., Responses to Comments, of the Final EIR, as part of the Reduced Alternative 5, the proposed residential uses would be provided in only two buildings (Building A and Building B). Building C proposed by the Project along Calhoun Avenue would be removed under the Reduced Alternative 5. Therefore, under the Reduced Alternative 5, the residential uses previously located closest to the freeway in Building C have been eliminated. Thus, the health risks of the Reduced Alternative 5 would be reduced as compared to the Project.

As discussed above, Reduced Alternative 5 would further reduce the Project's already less-than-significant impacts to air quality resulting from operations, and therefore, except for the conservative assumption regarding regional operational impacts from NO<sub>x</sub> emissions under 2014 existing conditions, cumulative air quality impacts from operations would also be less than significant under Reduced Alternative 5.

#### c. Odors

With respect to potential odor impacts, neither the Project nor any of the related projects (which are primarily residential, retail, and office uses) have a high potential to generate odor impacts. Furthermore, any related project that may have a potential to generate objectionable odors would be required by SCAQMD Rule 402 (Nuisance) to implement BACT to limit potential objectionable odor impacts to a less-than-significant level. Thus, potential odor impacts from related projects are anticipated to be less than significant. The Project would not result in odor impacts, and, thus, would not have a cumulatively considerable impact.

As discussed above, Reduced Alternative 5 would further reduce the Project's already less-than-significant odor impacts, and therefore cumulative odor impacts would also be less than significant under Reduced Alternative 5.

#### (B) Project Design Features

The Reduced Alternative 5 would incorporate project design features to support and promote environmental sustainability as discussed in Section IV.C, Greenhouse Gas Emissions, of the Draft EIR. While these features are designed primarily to reduce greenhouse gas emissions, the City finds that they would also serve to reduce the criteria air pollutants discussed herein.

(C) Mitigation Measures

- MM B-1** The Project representative shall make available to the lead agency and the South Coast Air Quality Management District a comprehensive inventory of all off-road construction equipment, equal to or greater than 50 horsepower, that will be used an aggregate of 40 or more hours during any portion of grading/excavation or overlap of grading/excavation and building construction activities for the Project. The inventory shall include the horsepower rating, engine production year, and certification of the specified Tier standard. A copy of each unit's certified tier specification, Best Available Control Technology documentation, and California Air Resources Board or Air Quality Management District operating permit shall be available on-site at the time of mobilization of each applicable unit of equipment. Off-road diesel-powered equipment within the construction inventory list described above shall meet the Tier 3 standards where commercially available.
- MM B-2** The Project shall provide heating, ventilation and air conditioning (HVAC) control systems that service residential occupancies and include particulate filters that have a minimum efficiency reporting value (MERV) of 13 as indicated by the American Society of Heating Refrigerating and Air Conditioning Engineers (ASHRAE) Standard 52.2. The air handling systems shall be maintained on a regular basis per manufacturer's recommendations by a qualified technician employed or contracted by the project proponent or successor. Operation and maintenance of the system shall ensure that it performs above the minimum reporting value.
- MM B-3** Particulate air filters shall be replaced four times per year. The replacement, including the number and type of particulate filters shall be recorded by property managers. Property managers shall record the number/type of filter replacements.<sup>4</sup>

(D) Finding

Pursuant to Public Resources Code Section 21081(a)(1), the City finds that changes or alterations have been required in, or incorporated into, the Reduced Alternative 5 which mitigate or avoid potential significant effects on the environment regarding air quality (other than project-

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<sup>4</sup> As discussed in detail in Topical Response No. 1 included in Section II, Responses to Comments, of the Final EIR, as part of the Reduced Alternative 5, the proposed residential uses would be provided in only two buildings (Building A and Building B). Building C proposed by the Project along Calhoun Avenue would be removed by the Reduced Alternative 5. Therefore, under the Reduced Alternative 5, the residential uses previously located closest to the freeway in Building C have been removed. Thus, the health risks of the Reduced Alternative 5 would be reduced as compared to the Project.

level and cumulative regional operational impacts from NO<sub>x</sub> emissions under 2014 existing conditions).

(E) Rationale for Finding

(i) Construction

Implementation of Mitigation Measure B-1 would reduce regional construction NO<sub>x</sub> emissions from 126 pounds per day to 98 pounds per day and less than the SCAQMD's 100 pound per day NO<sub>x</sub> significance threshold. As such, under the Reduced Alternative 5, project-level and cumulative impacts with regard to construction air quality under conservative build-out (2018) would be less than significant.

(ii) Operation

As discussed above, regional NO<sub>x</sub> emissions under the existing conditions scenario would result in a significant operational impact. However, the existing conditions analysis assumes that the Reduced Alternative 5 would be built in 2014, which is not based in reality as it would not exist in 2014 and the actual impact would not occur. Yet, for CEQA purposes and to conservatively disclose potential impacts, the EIR concludes that operational impacts under the existing conditions scenario would be significant if the project was developed in 2014, and as discussed in Section VIII.1. below, regional operational impacts from NO<sub>x</sub> emissions under 2014 existing conditions are conservatively considered a significant and unavoidable impact.

With respect to potential impacts to on-site residential uses within 500 feet of the 101 Freeway, the improvements to the air handling systems set forth in Mitigation Measure B-2 would substantially further reduce particulate exposures from diesel exhaust and the re-entrainment of paved roadway dust. Pollutant concentrations within residential buildings are best reduced by installing an air cleaning system to reduce the concentration of particulates associated with the infiltration of outside air. Air filters are commonly described and rated by the ASHRAE based upon their collection efficiency, pressure drop (or airflow resistance), and particulate-holding capacity. With incorporation of Mitigation Measures B-2 and B-3 recommended by Air Quality Dynamics, carcinogenic risk, PM<sub>10</sub>, and PM<sub>2.5</sub> would be reduced to a less than significant level.

As discussed in detail in Topical Response No. 1 included in Section II., Responses to Comments, of the Final EIR, as part of the Reduced Alternative 5, the proposed residential uses would be provided in only two buildings (Building A and Building B). Building C proposed by the Project along Calhoun Avenue would be removed under the Reduced Alternative 5. Therefore, under the Reduced Alternative 5, the residential uses previously located closest to the freeway in Building C have been eliminated. Thus, the health risks of the Reduced Alternative 5 would be reduced as compared to the Project.

(F) Reference

Section IV.B, Air Quality, of the Draft EIR, the air quality and greenhouse gas worksheets prepared for the Project and included as Appendix B-1 to the Draft EIR, the Health Risk Assessment prepared for the Project by Air Quality Dynamics and included as Appendix B-2 to the Draft EIR, Section II.C., Topical Responses, of the Final EIR, and the supplemental air quality analysis prepared for the Reduced Alternative 5 and included as Appendix FEIR-2 to the Final EIR.

## 2. Biological Resources

### (A) Impact Summary

The City of Los Angeles Protected Tree Ordinance (Chapter IV, Article 6 of the LAMC) regulates the relocation or removal of all Southern California native oak trees, including Valley Oak and California Live Oak, or any other tree of oak genus indigenous to California (excluding scrub oak), Southern California Black Walnut trees, Western Sycamore trees, and California Bay trees of at least four inches in diameter at breast height. These tree species are defined as “protected” by the City of Los Angeles. As previously described, the perimeter of the Project site is populated with ornamental landscape including trees, shrubs, and grass.

The Initial Study prepared for the Project identified 163 trees on the Project Site, including two Valley Oak trees located on the southwestern corner of the Project Site. The two Valley Oak trees are considered protected by the City of Los Angeles Protected Tree Ordinance, and Mitigation Measure BIO-1 was proposed to ensure that these two trees are protected during construction and reduce associated impacts to a less than significant level. In addition, Mitigation Measure BIO-2 would provide for the replacement of removed trees. Implementation of these mitigation measures would ensure that potential impact associated with local ordinances would be less than significant.

Subsequent to the preparation of the Initial Study, further inspection of the Valley Oak trees revealed that the two trees were actually one tree with two trunks. In addition, due to the rot found at the base of the trunk of the Valley Oak tree, the tree eventually failed and was removed on December 3, 2014 by Urban Tree Care. Therefore, the Project Site does not currently contain any protected trees and would not require implementation of Mitigation Measure BIO-1 provided on page B-9 of the Initial Study. Mitigation Measure BIO-2 also included on page B-9 of the Initial Study would continue to be implemented and has been renumbered as Mitigation Measure BIO-1 in the Mitigation Monitoring Program provided in Section IV, Mitigation Monitoring Program, of the Final EIR.

### (B) Project Design Features

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

### (C) Mitigation Measures

**MM BIO-1** During project construction, the Project shall plant a minimum of ninety-seven (97) 15-gallon and 24-inch box specimen trees as mitigation “replacements” for each tree removed on a 1:1 ratio.

### (D) Finding

Pursuant to Public Resources Code Section 21081(a)(1), the City finds that changes or alterations have been required in, or incorporated into, the Reduced Alternative 5 which mitigate or avoid potential significant effects on the environment regarding biological resources.

### (E) Rationale for Finding

Mitigation Measure BIO-1 would ensure impacts with regard to biological resources under the Reduced Alternative 5 would be less than significant. In addition, cumulative impacts associated with biological resources would also be less than significant.

(F) Reference

The Initial Study and Appendix IS-1, Tree Report, in Appendix A to the Draft EIR, and Section II, Responses to Comments, of the Final EIR.

3. Cultural Resources – Historical Resources

(A) Impact Summary

The Project would not result in the demolition or relocation of any historical resources. In addition, new construction within the Project Site and rehabilitation of the Sunkist Building would conform with the Secretary's Standards. Nonetheless, Mitigation Measures D-1 and D-2 would be implemented that require design review and monitoring of rehabilitation activities to ensure conformance with the Secretary's Standards, and the preparation of a Historic American Buildings Survey. These mitigation measures would ensure that potential impacts associated with historical resources would be less than significant.

Similar to the Project, the Sunkist Building would remain and would be rehabilitated as part of the Reduced Alternative 5. In addition, as with the Project, the new buildings proposed under the Reduced Alternative 5 would be designed to complement the Sunkist Building and allow view corridors of the Sunkist Building from the surrounding roadways. However, with the reduction in the building footprint and the additional landscaped areas to be provided along the perimeter of the Project Site, the Reduced Alternative 5 would preserve views of the Sunkist Building to a greater extent compared to the Project. In addition to implementing the same mitigation measures as the Project, the Reduced Alternative 5 would also implement new Project Design Feature D-1 to further ensure the design would be consistent with the Secretary of the Interior Standards, which would further reduce the already less-than-significant impacts to historical resources identified for the Project in the DEIR. Therefore, like the Project, impacts to historical resources under the Reduced Alternative 5 would be less than significant with mitigation. Such impacts would be less than those of the Project.

(B) Project Design Features

**PDF D-1** The rehabilitation and preservation of the Sunkist Building shall be guided by the Sunkist Building Preservation Plan prepared by Chattel, Inc. (October 2018). Based on the Secretary of the Interior's Standards for Rehabilitation, the Preservation Plan would provide more detailed guidance regarding the rehabilitation and preservation of the Sunkist Building. Implementation of the Preservation Plan would ensure that the rehabilitation and preservation of the Sunkist Building is performed in accordance with the Secretary of the Interior's Standards and that such activities, as well as the construction of new structures do not affect the eligibility of the Sunkist Building for listing in the National Register, the California Register, or as a Historic-Cultural Monument. Per the Preservation Plan, all rehabilitation plans for the Sunkist Building would be subject to review by a qualified historic preservation professional. An on-site monitor shall also be present to ensure the rehabilitation of the

Sunkist Building is executed consistent with the Preservation Plan's conditions. Final plans for the Sunkist Building shall be submitted to the Office of Historic Resources prior to issuance of the first building permit for the Sunkist Building to preliminarily ensure conformance with the Preservation Plan. Quarterly progress reports shall also be provided to the Office of Historic Resources through the duration of the rehabilitation work to ensure ongoing compliance with all Preservation Plan requirements.

(C) Mitigation Measures

**MM D-1 Design Review and Construction Monitoring Rehabilitation.** The Project Applicant shall retain a qualified professional historic architect to participate in design collaboration with the Project Team through preparation of construction documents, to ensure continued conformance with the Secretary of the *Interior's Standards for the Treatment of Historic Properties (Secretary's Standards)*. The role of the qualified professional historic architect shall include collaboration on a range of items relating to materials selection, construction methods, and design of exterior and interior alterations for the rehabilitation of the historical resource. If changes in the plans results in non-conformance, the City and Project Applicant shall be notified. The preservation architect shall submit a report documenting conformance to the City of Los Angeles Department of City Planning Office of Historic Resources (OHR) for review and approval prior to issuance of any building permits for the Project or permit clearance. In addition, the qualified professional historic architect shall participate in periodic monitoring of the rehabilitation phases of the permitted Project during construction to completion. Finally, the following items are required to be submitted for review of a qualified professional historic architect prior to the start of construction:

- Sections showing the relationship between the historic and new buildings, particularly the landscaped areas at the east and west elevations;
- Tenant improvement and signage guidelines; and
- Final rehabilitation plans for the Sunkist Building, particularly alterations to the berm surrounding the building.

**MM D-2 Historic American Buildings Survey (HABS) Documentation.** Prior to construction, a Historic American Buildings Survey (HABS) Level II recordation document shall be prepared for the existing Sunkist Building and site. Given anticipated alteration of view sheds, north elevation and courtyard, HABS documentation shall provide a record of the building and site prior to new construction. HABS documentation shall be prepared by a qualified architectural historian, historic architect, or historic preservation professional who satisfies the Secretary of the Interior's Professional Qualification Standards for History, Architectural History, or Architecture, pursuant to 36 CFR 61. The HABS documentation shall include a historical

narrative on the architecture and history of the building, its architect, its occupants and their activities during the time of occupancy. This written narrative can be based primarily on the historic context and description provided in the Historic Resource Assessment. In addition, the HABS documentation shall record the existing appearance of the building in professional large format HABS photograph. Any existing and available historic photographs as well as design and/or as-built drawings shall be compiled, reproduced, and incorporated into the recordation document. The building exterior, representative interior spaces, character-defining features, as well as the setting and contextual views shall be documented. All documentation components shall be completed in accordance with the Guidelines for Architectural and Engineering Documentation (HABS standards). Original archivally-sound copies of the report shall be submitted to the National Park Service for submittal to the Library of Congress, and the Los Angeles Conservancy. Non-archival copies shall be distributed to the City of Los Angeles Department of City Planning.

(D) Finding

Pursuant to Public Resources Code Section 21081(a)(1), the City finds that changes or alterations have been required in, or incorporated into, the Reduced Alternative 5 which mitigate or avoid potential significant effects on the environment regarding historic resources.

(E) Rationale for Finding

Mitigation Measure D-1 and D-2 would ensure impacts with regard to historical resources under the Reduced Alternative 5 would be less than significant. In addition, cumulative impacts associated with historic resources would also be less than significant. Project Design Feature D-1 would serve to further reduce the already less-than-significant impacts to historic resources.

(F) Reference

Section IV.C, Cultural Resources, of the Draft EIR, as well as the Historical Resource Assessment and CEQA Impacts Analysis prepared for the Project by Chattel, Inc. and included as Appendix C-1 to the Draft EIR, and Section II.C., Topical Responses, of the Final EIR, and Appendix FEIR-5, Preservation Plan, of the Final EIR.

4. Cultural Resources – Paleontological Resources

(A) Impact Summary

The paleontological records search indicates that grading or very shallow excavations in the uppermost layers of soil and Quaternary deposits in the Project Site are unlikely to discover significant vertebrate fossils. Although past development activities have disturbed the majority of the surface of the Project Site, deeper excavations have the potential to encounter significant remains of fossil vertebrates. Thus, the possibility exists that paleontological artifacts that were not recovered during prior construction or other human activity may be present. Implementation of Mitigation Measure D-3, requiring a qualified paleontologist to be retained to perform periodic inspections of excavation and grading activities of the Project Site, would ensure any impact related to paleontological resources would be less than significant.

As discussed above, the Reduced Alternative 5 would reduce excavation activities compared to the Project. Therefore, the Reduced Alternative 5 would have a reduced potential to uncover subsurface paleontological resources compared to the Project. In the event paleontological resources are encountered, the Reduced Alternative 5 would be subject to the same regulatory requirements and mitigation measures as the Project to ensure that the resources are properly recovered and evaluated. Therefore, impacts relative to paleontological resources under the Reduced Alternative 5 would be less than significant with mitigation with regard to paleontological resources. Such impacts would be less than the impacts of the Project.

(B) Project Design Features

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

(C) Mitigation Measures

**Mitigation Measure D-3:** A qualified paleontologist shall be retained to perform periodic inspections of excavation and grading activities of the Project Site. The frequency of inspections shall be based on consultation with the paleontologist and shall depend on the rate of excavation and grading activities, the materials being excavated, and if found, the abundance and type of fossils encountered. If paleontological materials are encountered, the paleontologist shall be allowed to temporarily divert or redirect grading and excavation activities in the area of the exposed material to facilitate evaluation and, if necessary, salvage. The paleontologist shall then assess the discovered material(s) and prepare a survey, study or report evaluating the impact. The Project Applicant shall then comply with the recommendations of the evaluating paleontologist, and a copy of the paleontological survey report shall be submitted to the Los Angeles County Natural History Museum. Ground-disturbing activities may resume once the paleontologist's recommendations have been implemented to the satisfaction of the paleontologist.

(D) Finding

Pursuant to Public Resources Code Section 21081(a)(1), the City finds that changes or alterations have been required in, or incorporated into, the Reduced Alternative 5 which mitigate or avoid potential significant effects on the environment regarding paleontological resources.

(E) Rationale for Finding

As set forth in Mitigation Measure D-3, a qualified paleontologist shall be retained to perform periodic inspections of excavation and grading activities of the Project Site. In the event paleontological materials are encountered, the paleontologist shall be allowed to temporarily divert or redirect grading and excavation activities in the area of the exposed material to facilitate evaluation and, if necessary, salvage. Therefore, implementation of Mitigation Measure D-3 would ensure that any potential impacts related to paleontological resources would be less than significant.

With regard to potential cumulative impacts related to paleontological resources, the Project Site vicinity and Community Plan area are urbanized and have been disturbed and developed over time. In the event that paleontological resources are uncovered, all related projects and other future development within the Community Plan area would be required to comply with applicable regulatory requirements. In addition, as part of the environmental review processes for the related projects, it is expected that mitigation measures would be established

as necessary to address the potential for uncovering paleontological resources. Therefore, cumulative impacts to paleontological resources would be less than significant and would not be cumulatively considerable.

(F) Reference

Section IV.C, Cultural Resources, of the Draft EIR, as well as paleontological records search results included as Appendix C-2 to the Draft EIR, and Section II.C., Topical Responses, of the Final EIR.

5. Public Services – Police Protection

(A) Impact Summary

(i) Construction

Construction sites can be sources of nuisances and hazards and invite theft and vandalism. When not properly secured, construction sites can contribute to a temporary increased demand for police protection services. As provided in Project Design Feature H.1-1, the Project Applicant would implement temporary security measures, including security fencing, lighting, and locked entry to secure the Project Site during construction. With implementation of these measures, potential impacts associated with theft and vandalism during construction activities would be less than significant.

Project construction could also potentially impact the provision of LAPD police protection services and police response times in the Project vicinity as a result of construction impacts to the surrounding roadways. However, as discussed in Section IV.I, Transportation/Traffic, of the Draft EIR, most, if not all, of the construction worker trips would occur outside the typical weekday commuter morning and afternoon peak periods, thereby reducing the potential for traffic-related conflicts. In addition, a Construction Management Plan would be implemented during Project construction pursuant to Mitigation Measure I-1 in Section IV.I, Transportation/Traffic, of the Draft EIR, to ensure that adequate and safe access remains available within and near the Project Site during construction activities. With implementation of project design features, including implementation of temporary security measures and the Construction Management Plan, construction of the Project would not generate a demand for additional police protection services that would substantially exceed the capability of the LAPD to serve the Project Site, nor would Project construction cause a substantial increase in emergency response times as a result of increased traffic congestion. Therefore, impacts on police protection services during Project construction would be less than significant.

While the types of construction activities would be similar under the Reduced Alternative 5, the amount of construction activities would be reduced compared to the Project. Therefore, the potential for theft and vandalism during construction activities at the Project Site would be anticipated to be less than that of the Project. In addition, as with the Project, the Reduced Alternative 5 would implement temporary security measures to secure the Project Site during construction. Therefore, similar to the Project, potential impacts associated with theft and vandalism during construction of the Reduced Alternative 5 would be less than significant. Such impacts would be less than the less-than-significant impacts of the Project.

Construction activities could also potentially impact the provision of LAPD police protection services and police response times in the Project vicinity as a result of construction impacts to

the surrounding roadways. As construction activities under the Reduced Alternative 5 would be reduced compared to the Project, construction-related traffic on adjacent streets which could temporarily interfere with local and on-site emergency response would be reduced compared to the Project. Therefore, the potential for construction activities associated with the Reduced Alternative 5 to increase response times for police vehicles due to travel time delays caused by traffic during the construction phase would be less than the Project. As with the Project, a Construction Management Plan would be implemented under the Reduced Alternative 5 to ensure that adequate and safe access remains available within and near the Project Site during construction activities. Therefore, like the Project, construction-related impacts with regard to police protection under the Reduced Alternative 5 would be less than significant. Such impacts would be less than to those of the Project.

(ii) Operation

The Project Site is served by the Van Nuys Community Police Station located at 6240 Sylmar Avenue, approximately 2.5 miles north of the Project Site. The Project would generate an estimated population of approximately 1,012 persons, which would increase the service population within the Van Nuys Community Police Station service area. Based on this population increase, the officer-per-resident ratio in the Van Nuys Community Police Station service area would slightly decrease but would remain at its current level of 1.40 officers per 1,000 residents. The Project's estimated population increase would therefore result in a nominal change in the officer per resident ratio of less than 1 percent, which would not be a significant change.

Assuming that the annual crime rate would remain constant at 0.051 crime per capita, the service population of the Project could potentially generate approximately 52 new crimes per year. The total annual number of reported crimes in the Van Nuys Community Police Station service area could, therefore, increase from 9,130 crimes to approximately 9,182 reported crimes per year under the Project studied in the Draft EIR, an increase of approximately 0.84 percent.

Pursuant to Project Design Feature H.1-2 through Project Design Feature H.1-4, the Project Applicant would implement numerous design features to enhance safety within and immediately surrounding the Project Site. Furthermore, the Project would generate revenues to the City's Municipal Fund (in the form of property taxes, sales revenue, etc.) that could be applied toward the provision of new police facilities and related staffing, as deemed appropriate. The project design features, as well as revenue to the Municipal Fund, would help offset the Project-related increase in demand for police services. Nonetheless, the LAPD has stated that, due to its size, the Project would have a significant impact on police services in the Van Nuys area. Therefore, the Project could generate a demand for additional police protection services that could exceed the capability of the LAPD to serve the Project Site. Impacts to police protection services would be potentially significant, and mitigation is required.

As with the Project, the Reduced Alternative 5 would introduce a new residential population to the Project Site that would contribute to an increase in demand for police protection services provided by the Van Nuys Community Police Station. This increased demand in police protection services would be reduced compared to the Project due to the reduction in the number of residential units. Similar to the Project, the Reduced Alternative 5 would incorporate on-site security features, appropriate lighting to ensure security, and design measures to prevent concealed spaces. Notwithstanding, as set forth in Section IV.H.1, Public Services—Police Protection, of the Draft EIR, the LAPD has stated that the Project would have a significant impact on police services in the Van Nuys area. Therefore, while the Reduced Alternative 5 would result in a reduced demand for police protection services, it is conservatively assumed that operational impacts related to

police protection services would also be significant prior to mitigation under the Reduced Alternative 5. As with the Project, the Reduced Alternative 5 would implement the same mitigation measures as the Project to reduce impacts to police protection services to a less-than-significant level. Therefore, like the Project, potential impacts to police protection services during operation of the Reduced Alternative 5 would be less than significant with implementation of mitigation. Such impacts would be less than those of the Project.

(iii) Cumulative Impacts

a. Construction

Impacts to LAPD services and facilities during the construction of each related project would be addressed as part of each related project's development review process conducted by the City. Due to the proximity to the Project Site, should Project construction occur concurrently with the construction of Related Project No. 6, then specific coordination among the multiple construction sites could be required and implemented through the Project's Construction Management Plan, which would ensure emergency access and traffic flow is maintained on adjacent rights-of-way. Each related project would also be subject to the City's routine construction permitting process, which includes a review by the LAPD to ensure that sufficient security measures are implemented to reduce potential impacts to police protection services. In addition, construction-related traffic generated by the Project and the related projects would not be expected to permanently and significantly impact LAPD response times within the Project vicinity as emergency vehicles normally have a variety of options for avoiding traffic, such as using sirens to clear a path of travel or driving in the lanes of opposing traffic. Therefore, the Project's contribution to cumulative impacts on emergency response during construction would not be cumulatively considerable.

As discussed above, Reduced Alternative 5 would further reduce the Project's already less-than-significant impacts to police services during construction, and therefore under Reduced Alternative 5 the contribution to cumulative impacts on emergency response during construction would also not be cumulatively considerable.

b. Operation

Growth from the related projects that fall within the service boundaries of the Van Nuys Community Police Station is estimated to result in a population increase of approximately 4,150 persons. The Project would conservatively generate a population of approximately 1,012 persons, which, when combined with the related projects' estimated service population, would result in a total estimated service population of approximately 5,162 persons. Assuming the crimes per capita rate of 0.051 observed in the Van Nuys Community Police Station service area, the related projects, when combined with the Project, would result in approximately 264 additional crimes per year. This degree of cumulative growth could increase the demand for LAPD services in the Van Nuys Community Police Station service area. However, with implementation of the mitigation measures provided below, the Project's cumulative contribution would not be cumulatively considerable.

The LAPD has indicated that, due to its size, the Project would have significant impact on police services in the Van Nuys area. In addition to Project Design Features H.1-1 through H.1-4, the Project would implement Mitigation Measures H.1-1 and H.1-2, which would reduce Project-level impacts to a less-than-significant level. Furthermore, the Project Site and the related projects are located within an urbanized area and it is assumed that each of the related projects

identified would likewise be developed within an acceptable distance from one or more existing police stations. The LAPD would continue to monitor population growth and land development throughout the City and identify additional resource needs, including staffing, equipment, vehicles, and possibly station expansions or new station construction that may become necessary to achieve the desired level of service. Through the City's regular budgeting efforts, the LAPD's resource needs would be identified and monies allocated according to the priorities at the time. In addition, it is anticipated that the related projects would implement project design features and mitigation similar to the Project, which would reduce cumulative operational impacts to police protection services.

Based on the above, the Project's contribution to cumulative operational impacts to police protection services would not be cumulatively considerable and, as such, cumulative impacts on police protection services would be less than significant.

As discussed above, the Reduced Alternative 5 would generate a smaller population than the Project and would therefore reduce the Project's operational impacts to police protection services; therefore, cumulative impacts on police protection services under Reduced Alternative 5 would also be less than significant.

#### (B) Project Design Features

- PDF H.1-1** During construction, the Project Applicant shall implement temporary security measures including security fencing, lighting, and locked entry.
- PDF H.1-2** During operation, the Project shall include private on-site security, a closed circuit camera system, keycard entry for the residential buildings and the residential parking areas, and limited hours of operation for the publicly accessible ground floor areas.
- PDF H.1-3** The Project shall provide sufficient lighting of building entries and walkways to provide for pedestrian orientation and clearly identify a secure route between parking areas and points of entry into buildings.
- PDF H.1-4** The Project shall provide sufficient lighting of parking areas to maximize visibility and reduce areas of concealment.

#### (C) Mitigation Measures

- MM H.1-1** Prior to the issuance of a building permit, the Project Applicant shall consult with the Los Angeles Police Department's Crime Prevention Unit regarding the incorporation of crime prevention features appropriate for the design of the Project, including applicable features in the Los Angeles Police Department's Design Out Crime Guidelines. The crime prevention features recommended by the Los Angeles Police Department's Crime Prevention Unit and agreed to by the Project Applicant during consultation shall be made part of the Project.
- MM H.1-2** Prior to the issuance of a Certificate of Occupancy, the Project Applicant shall submit a diagram of the Project Site to the City of Los Angeles Police Department Valley Bureau Commanding Officer that includes access routes and any additional information that might facilitate police response.

(D) Finding

Pursuant to Public Resources Code Section 21081(a)(1), the City finds that changes or alterations have been required in, or incorporated into, the Reduced Alternative 5 which mitigate or avoid potential significant effects on the environment regarding public services—police protection.

(E) Rationale for Finding

The mitigation measures above would implement the LAPD's recommendations for the Reduced Alternative 5 and would serve to facilitate police response, thereby reducing the Reduced Alternative 5's project-level impacts to police protection services to a less than significant level. While the Reduced Alternative 5's contribution to cumulative impacts to police protection services would not be cumulatively considerable, implementation of the mitigation measures would further reduce cumulative impacts, which would be less than significant.

(F) Reference

Section IV.H.1, Public Services—Police Protection, of the Draft EIR, as well as information provided by the LAPD's Community Relations Section included in Appendix F to the Draft EIR, and Section II.C., Topical Responses, of the Final EIR.

VIII. ENVIRONMENTAL IMPACTS FOUND TO BE SIGNIFICANT EVEN AFTER MITIGATION

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

1. Air Quality – Regional Operational Impacts – NO<sub>x</sub> (2014 Existing Conditions)

(A) Impact Summary

(i) Project-Level Impacts

As discussed in Section VII.1.(A)(ii)a. above, an analysis of daily operational emissions of existing conditions without the Project versus with the Project was conducted. The net overall operational emissions associated with the Project under existing (2014) conditions would be higher than the estimated emissions at the projected Project build-out year of 2018. This increase is exclusively a function of the change in default CalEEMod emission factors from 2014 to 2018 (i.e., vehicular fleet mix is cleaner in subsequent years as a result of cleaner newer vehicles). Therefore, the later the construction buildout year, the greater the reduction in emissions. The Project analysis would slightly exceed SCAQMD daily regional NO<sub>x</sub> operational threshold. Therefore, air quality impacts from Project operational emissions would be significant under the existing plus Project scenario. This conclusion is conservative in that it assumes that the Project would be built in 2014, which is not based in reality as it would not exist in 2014 and the actual impact would not occur. In addition, as noted above, the Reduced Alternative 5 would generate operational pollutant emissions that would be reduced compared to the Project. Yet, for CEQA purposes and to conservatively disclose potential impacts, the EIR calculates these emissions which could be significant (only for the NO<sub>x</sub> threshold) if the project was developed in 2014, and

regional operational impacts from NO<sub>x</sub> emissions under 2014 existing conditions are conservatively considered a significant and unavoidable impact under the Reduced Alternative 5.

(ii) Cumulative Impacts

As discussed in Section VII.1.(A)(v) above, according to the SCAQMD, if an individual project results in air emissions of criteria pollutants that exceed the SCAQMD's recommended daily thresholds for project-specific impacts, then the project would also result in a cumulatively considerable net increase of these criteria pollutants. Operational emissions from the Project would not exceed any of the SCAQMD's regional or localized significance thresholds during Project's conservatively analyzed build-out year (2018) (i.e., emissions only reduce over time due to cleaner vehicle fleet). Therefore, the emissions of non-attainment pollutants and precursors generated by the Project's conservative operation build-out year (2018) would not be cumulatively considerable. However, as discussed above, regional NO<sub>x</sub> emissions under the highly conservative existing conditions (2014) scenario would result in a significant operational impact and would be cumulatively considerable. The existing conditions (2014) analysis assumes that the Project would be built in 2014, which is not based in reality as it would not exist in 2014 and the actual impact would not occur. In addition, as noted above, the Reduced Alternative 5 would generate operational pollutant emissions that would be reduced compared to the Project. Yet, for CEQA purposes and to conservatively disclose potential impacts, the EIR calculates these emissions which could be significant if the project was developed in 2014, and as discussed in Section VIII.1. below, regional operational impacts from NO<sub>x</sub> emissions under 2014 existing conditions are conservatively considered a significant and unavoidable impact under the Reduced Alternative 5.

(B) Project Design Features

The Reduced Alternative 5 would incorporate project design features to support and promote environmental sustainability as discussed in Section IV.C, Greenhouse Gas Emissions, of the Draft EIR. While these features are designed primarily to reduce greenhouse gas emissions, the City finds that they would also serve to reduce the criteria air pollutants discussed herein.

(C) Mitigation Measures

As discussed above, the Reduced Alternative 5 would incorporate Mitigation Measures B-1 through B-3 to mitigate potential impacts to air quality. However, there are no feasible mitigation measures with respect to regional operational impacts from NO<sub>x</sub> emissions under 2014 existing conditions.

(D) Finding

Regarding Reduced Alternative 5's project-level and cumulative regional operational impacts from NO<sub>x</sub> emissions under 2014 existing conditions, impacts would be significant and unavoidable. The City finds, pursuant to Public Resources Code Section 21081(a)(3), that specific economic, legal, social, technological, or other considerations, including considerations identified in Section XI of these findings (Statement of Overriding Considerations), make infeasible additional mitigation measures or other alternatives identified in the EIR to reduce the Reduced Alternative 5's project-level and cumulative project-level and cumulative regional operational impacts from NO<sub>x</sub> emissions under 2014 existing conditions to be less than significant.

(E) Rationale for Finding

As discussed above, regional NO<sub>x</sub> emissions under the existing conditions scenario would result in a significant operational impact. However, the existing conditions analysis assumes that the Reduced Alternative 5 would be built in 2014, which is not based in reality as it would not exist in 2014 and the actual impact would not occur. Yet, for CEQA purposes and to conservatively disclose potential impacts, the EIR concludes that operational impacts under the existing conditions scenario would be significant if the project was developed in 2014, and regional operational impacts from NO<sub>x</sub> emissions under 2014 existing conditions are conservatively considered a significant and unavoidable impact.

Alternative 1, the No Project Alternative, would avoid this significant impact. However, as discussed in Section V., Alternatives, of the Draft EIR, Alternative 1 would not meet the underlying purpose of the project, nor any of the project objectives. None of the Alternatives 2 through 4 would reduce this impact to a less than significant level, and no feasible mitigation measures were identified that would reduce this impact to a less than significant level. As such, the Project's Project-level and cumulative regional NO<sub>x</sub> emissions under the existing conditions scenario would result in significant and unavoidable impacts. Pursuant to Public Resources Code section 21081(a)(3), based on the evidence described below in Section XI, Statement of Overriding Considerations, the City finds that specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report to reduce these impacts to less than significant.

(F) Reference

Section IV.B, Air Quality, of the Draft EIR, the air quality and greenhouse gas worksheets prepared for the Project and included as Appendix B-1 to the Draft EIR, Section, V., Alternatives, of the Draft EIR, Section II.C., Topical Responses, of the Final EIR, and the supplemental air quality analysis prepared for the Reduced Alternative 5 and included as Appendix FEIR-2 to the Final EIR.

2. Noise

(A) Impact Summary

(i) Construction Noise

a. On-Site Construction Noise

The estimated construction-related noise levels evaluated in Section IV.G, Noise, of the Draft EIR, represent the worst-case scenario in which all construction equipment was assumed to operate simultaneously and was assumed to be located at the construction area nearest to the affected receptors. These assumptions represent the worst-case noise scenario as construction activities would, typically, be spread out throughout the entire site farther away from the affected receptors, and all construction equipment would not operate simultaneously. As evaluated in Section IV.G, Noise, of the Draft EIR, the estimated construction noise levels would exceed the significance threshold by 7.6 dBA at the uses represented by receptor R3 to up to 25.8 dBA at the uses represented by receptor R1. These noise levels would be significant.

b. Off-Site Construction Noise

In addition to on-site construction noise sources, materials delivery, concrete mixing, and haul trucks (construction trucks), and construction worker vehicles would require access to the Project Site during the construction phase. The major noise sources associated with off-site construction trucks would be associated with delivery/haul trucks. The peak periods with the highest number of construction trucks would occur during the phase where concurrent excavation of Buildings A, B, C and the parking structure occurs. As evaluated in Section IV.G, Noise, of the Draft EIR, noise levels generated by construction trucks along Riverside Drive would be approximately 66.2 dBA  $L_{eq}$ , which would be consistent with the existing daytime ambient noise level of 67.7 dBA  $L_{eq}$  along Riverside Drive and below the ambient plus 5 dBA significance threshold. During other construction phases, the number of construction trucks would be lower, which would result in lower noise levels. Therefore, noise impacts from off-site construction traffic would be less than significant.

(ii) Construction Vibration

a. Building Damage Impacts from Construction

The Project would generate ground-borne construction vibration during shoring/excavation/grading activities when heavy construction equipment, such as large bulldozers, drill rig, and loaded trucks, would be used. Vibration velocities from typical heavy construction equipment operations that would be used during construction of the Project would range from 0.003 to 0.089 PPV at 25 feet from the equipment. The estimated vibration velocity levels (from all construction equipment) would be well below the building damage significance thresholds at the nearest off-site structures to the north, south, east and west. Therefore, vibration impacts with respect to potential building damages during construction activities would be less than significant.

b. Human Annoyance Impacts from Construction

With regard to human annoyance, the estimated ground-borne vibration levels from construction equipment would be below the significance threshold for human annoyance at receptors R2 and R3. However, the estimated vibration levels at receptor R1 would be above the 72 VdB significance threshold for residential uses. Therefore, temporary vibration impacts on human annoyance during the construction period would be significant.

c. Building Damage and Human Annoyance Impacts from Haul Trucks

Heavy construction trucks would generate ground-borne vibration as they travel along the designated haul routes. Based on FTA data, the vibration generated by a typical heavy truck would be approximately 63 VdB or 0.00566 PPV at a distance of 50 feet from the truck. Existing buildings along the Project's haul routes (i.e., Van Nuys Boulevard, Riverside Drive, and Woodman Avenue) are approximately 25 feet from the right-of-way and would be exposed to ground-borne vibration levels of approximately 0.016 PPV or 72 VdB. The estimated vibration generated by the haul trucks along the haul routes would be well below the most stringent building damage threshold of 0.12 PPV for buildings extremely susceptible to vibration. Therefore, potential building damage impacts from haul truck vibration would be less than significant.

Regarding human annoyance, the threshold of significance is 72 VdB for sensitive uses including residential uses. It should be noted that buses and trucks rarely create vibration that exceeds 70 VdB at 50 feet from the receptor unless there are bumps in the road. To provide a conservative analysis, the estimated vibration level generated by haul trucks was assumed to be within 25 feet

of the residential uses located along the haul routes. As a result the temporary vibration levels could reach approximately 72 VdB periodically as trucks pass sensitive receptors. Therefore, potential impacts associated with temporary and intermittent vibration from haul trucks traveling along the designated haul routes would be significant (during the site excavation phase) with respect to human annoyance.

The Reduced Alternative 5 would involve the same general phases of construction as the Project. In addition, as with the Project, construction of the Reduced Alternative 5 would generate noise from the use of heavy-duty construction equipment as well as from haul truck and construction worker trips. While the overall amount of construction activities would be reduced under the Reduced Alternative 5, the maximum amount of construction activities during a peak construction day would be expected to be similar to the Project while reducing the construction schedule. Thus, on- and off-site construction activities and the associated construction noise and vibration levels would be expected to be similar on a peak day as the overall daily intensity of construction activities would be similar to the Project. Since noise and vibration levels during peak activity conditions, which are used for measuring significance, would be similar to those of the Project, noise and vibration impacts due to on-site and off-site construction activities would also be similar to those of the Project. As such, similar to the Project, construction of the Reduced Alternative 5 would result in the same significant and unavoidable on-site noise impacts, on-site vibration (human annoyance) impacts, and off-site vibration (human annoyance) impacts. Such impacts would be less than those of the Project as they would be experienced for a shorter duration.

(iii) Operational Noise

a. On-Site Stationary Noise Sources

i. Mechanical Equipment

Implementation of regulatory requirements would ensure that all on-site mechanical equipment would comply with the regulations under Section 112.02 of the LAMC, which prohibits noise from air conditioning, refrigeration, heating, pumping, and filtering equipment from exceeding the ambient noise levels on the premises of other occupied properties by more than 5 dBA. Therefore, noise impacts from mechanical equipment would be less than significant.

As previously discussed, the Reduced Alternative 5 would reduce the multi-family residential and neighborhood-serving commercial uses proposed by the Project, and the associated building area for these uses compared to the Project. Therefore, with the reduction in building density, noise levels from mechanical equipment under the Reduced Alternative 5 would be anticipated to be reduced compared to the noise levels of the Project. Further, as is the case with the Project, on-site mechanical equipment would comply with the regulations under Section 112.02 of the LAMC, which prohibits noise from air conditioning, refrigeration, heating, pumping, and filtering equipment from exceeding the ambient noise levels on the premises of other occupied properties by more than 5 dBA.

ii. Outdoor Spaces

Noise associated with the proposed outdoor uses would include voices and outdoor sound systems. The estimated noise levels associated with the proposed outdoor spaces at all off-site locations would be below the significance threshold of 5 dBA ( $L_{eq}$ ) above ambient noise levels. As such, noise impacts from use of the proposed outdoor spaces would be less than significant.

With regard to noise from outdoor spaces, the Reduced Alternative 5 would provide for similar outdoor courtyards and amenities for use by residents and guests as the Project and would include additional landscaped areas. Therefore, noise levels from use of the outdoor spaces would be anticipated to increase compared to the Project, although as discussed below, overall operational noise levels under Reduced Alternative 5 would be reduced compared to the Project.

### iii. Parking Facilities

Sources of noise within the parking areas would primarily include vehicular movements and engine noise, doors opening, people talking, and intermittent car alarms. Noise levels within the parking areas would fluctuate with the amount of automobile and human activity. Noise generated within the below-grade parking levels would be effectively shielded from the off-site sensitive receptors since they are fully enclosed on all sides. The Draft EIR concludes that noise impacts associated with the Project's proposed parking facilities would be less than significant.

As discussed in the supplemental noise analysis prepared for the Reduced Alternative 5, attached as Appendix FEIR-3 to the Final EIR, the Reduced Alternative 5 proposes changes to the parking facilities compared to the Project. Specifically, under the Reduced Alternative 5, parking would be provided in three separate parking facilities instead of two parking facilities. The six-level parking structure (four above-grade levels and two subterranean levels) previously proposed along Hazeltine Avenue would be relocated to the western portion of the Project Site, west of the Sunkist Building, along Calhoun Avenue, and reduced to five levels (three above grade levels and two subterranean levels) with rooftop parking. However, due to the sunken grade along the western portion of the Project Site, only two parking levels would be viewed from the Calhoun Avenue residences located across the street from the Project Site. In addition, a surface parking lot is proposed east of the Sunkist Building to serve mainly the neighborhood serving commercial uses proposed within Buildings A and B. The parking structure located west of the Sunkist Building would provide 490 parking spaces and would primarily serve the Sunkist Building (in addition to 39 stalls located below the Sunkist Building). The remaining spaces would be provided within the proposed surface parking lot and in the subterranean parking levels provided below Building A and Building B.

The relocated and redesigned parking structure would be located closer to residential uses along Calhoun Avenue (nearest residential uses to the parking structure). Based on a review of the revised design and the noise calculations provided in the supplemental noise analysis, noise levels associated with the relocated parking structure were estimated to be 55.5 dBA at Receptor R1, which is representative of the single-family residences along Calhoun Avenue. As provided in Section IV.G, Noise, Table IV.G-7, of the Draft EIR, the existing ambient noise levels at Receptor R1 were measured to be 57.6 dBA during daytime hours (7:00 A.M. to 10:00 P.M.) and 57.2 during nighttime hours (10:00 P.M. to 7:00 A.M.). When introducing noise from the relocated parking structure to existing ambient conditions, noise levels would increase by 2.2 from 57.2 dBA to 59.4 dBA. As such, the estimated noise level increase would be below the significance threshold of a 5 dBA (Leq) noise level increase above ambient noise levels. Therefore, the relocated and redesigned parking structure would not result in any new noise impacts at nearby noise sensitive receptors and noise impacts associated with the Reduced Alternative 5's proposed parking facilities would remain less than significant.

### iv. Loading Dock/Trash Rooms

The Project loading dock would be provided on Level 1 (ground floor) within the south side of Building A and two indoor trash rooms would be provided within the B1 level of the underground

parking structures. The loading dock and indoor trash rooms would be shielded from all off-site sensitive receptors and the existing Sunkist Building. Based on measured noise levels from typical loading dock facilities and trash compactors, delivery trucks and trash compactors could generate noise levels of approximately 71 dBA ( $L_{eq}$ ) and 66 dBA ( $L_{eq}$ ) at a distance of 50 feet, respectively. As analyzed in Section IV.G, Noise, of the Draft EIR, the estimated noise levels at all off-site locations would be well below the existing ambient noise levels plus the 5 dBA above the ambient significance threshold. Therefore, noise impacts from loading docks and trash compactor operations would be less than significant.

Under the Reduced Alternative 5, the location of the loading dock and trash collection area would be similar to the Project. As such, noise levels from this noise source would also be similar to the Project and would be less than significant.

b. Off-Site Traffic (Mobile Sources)

i. Future plus Project

The Project would result in an increase of up to 0.3 dBA (CNEL) in traffic-related noise levels along Riverside Drive (between Van Nuys Boulevard and Hazeltine Avenue) and along Hazeltine Avenue (between Riverside Drive and south of the US-101 Freeway). At other analyzed roadway segments, the increase in traffic-related noise levels would be 0.2 dBA or less. The increase in traffic noise levels would be well below the more stringent 3 dBA significance threshold. Therefore, off-site traffic noise impacts associated with Future plus Project conditions would be less than significant.

With regard to off-site noise sources, the Reduced Alternative 5 would result in a proportionate decrease in daily vehicle trips due to the reduced density. Thus, off-site noise levels would be reduced compared to the Project.

ii. Existing plus Project

The Project would result in a maximum of a 0.5 dBA (CNEL) increase in traffic noise along Hazeltine Avenue (south of the US-101 Freeway). The Existing plus Project analysis is conservative as baseline ambient mobile noise levels are expected to increase by the time the Project is completed. That is, the traffic volumes and associated noise in 2018 (the Project's build-out year) would be increased (without the Project) due to ambient growth as well as other related projects that would be completed by that year. Nevertheless, the estimated increase in off-site traffic noise levels as compared to existing conditions would be well below the more stringent 3 dBA CNEL significance threshold. Therefore, off-site traffic noise impacts associated with Existing plus Project conditions would be less than significant.

With regard to off-site noise sources, the Reduced Alternative 5 would result in a proportionate decrease in daily vehicle trips due to the reduced density. Thus, off-site noise levels would be reduced compared to the Project.

c. Composite Noise Level Impacts

Principal on-site noise sources associated with the Project would include mechanical equipment, parking facilities, loading dock, and outdoor uses including the use of amplified sound systems. As discussed in Section IV.G, Noise, of the Draft EIR, the Project would result in an increase in composite noise levels ranging from 1.1 dBA at Location R2 to 2.0 dBA at Location R3. The

Project composite noise levels at all of the receptor locations would be below the more stringent 3 dBA significance threshold. Therefore, composite noise level impacts due to Project operations would be less than significant.

Based on the above, overall operational on-site and off-site noise levels under Reduced Alternative 5 would be reduced compared to the Project. Therefore, as with the Project, operational noise impacts would be less than significant. Such impacts would be less than those of the Project.

(iv) Land Use Compatibility

Based on the measured existing ambient noise levels, the exterior noise levels at the Project Site range from 62.0 dBA CNEL at the Project's western property line facing Calhoun Avenue to 70.3 dBA CNEL at the Project's northern property line facing Riverside Avenue. In addition, the estimated "future with project" traffic noise levels along Riverside Drive along the Project northern boundary would be 71.0 dBA CNEL. According to the City of Los Angeles Guidelines for Noise Compatible Land Use, the Project Site is considered "conditionally acceptable" for commercial development (up to 75 dBA CNEL) and "normally unacceptable" for multi-family residential development (between 70 and 75 dBA CNEL). The proposed residential units at the south end of Building C would be exposed to traffic noise levels from the US-101 Freeway up to 81.6 dBA CNEL (based on the measured noise levels at receptor P1). The private balcony of the southernmost units included in Building C with direct line-of-sight to the US-101 Freeway would be exposed to noise levels up to 81.6 dBA CNEL. Building C has been eliminated as part of Reduced Alternative 5. Regardless, implementation of all applicable regulatory requirements would ensure that necessary noise insulation features are included in the final Reduced Alternative 5 Building A and B design to achieve an interior noise environment that does not exceed 45 dBA CNEL at the interior of the residential uses and 50 dBA  $L_{eq}$  at the interior of the commercial uses (in accordance with CalGreen requirements for the commercial uses). Therefore, noise impacts associated with land use compatibility would be less than significant.

As discussed above, Reduced Alternative 5 would eliminate Building C and would continue to implement all applicable regulatory requirements, and therefore noise impacts associated with land use compatibility would also be less than significant.

(v) Cumulative Impacts

a. Construction Noise and Vibration

Noise from construction activities for two projects within 1,000 feet of each other can contribute to a cumulative noise impact for receptors located midway between the two construction sites. Of the 13 identified related projects, 12 related projects are located approximately 2,000 to 10,000 feet from the Project Site. Therefore, these related projects would not contribute to the cumulative construction-related noise impacts, due to distance attenuation and intervening building structures between the Project and the related projects. However, Related Project No. 6, the Fashion Square Expansion project at 14006 Riverside Drive, is across from the Project Site (on the east side of Hazeltine Avenue). The estimated construction-related noise (with mitigation) from Related Project No. 6 at multi-family residences on Riverside Drive (between Hazeltine Avenue and Woodman Avenue), would result in noise levels that would be approximately 3.6 to 4.9 dBA above the existing ambient noise levels. Therefore, in the unlikely event that construction of Related Project No. 6 were to occur concurrently with the Reduced Alternative 5, the cumulative construction noise levels could exceed the ambient noise by 5 dBA or higher. Construction-

related noise levels from Related Project No. 6 (should they ever occur) would be intermittent and temporary, and it is anticipated that Related Project No. 6 and the Reduced Alternative 5 would comply with time restrictions and other relevant provisions in the LAMC. Noise associated with cumulative construction activities would be reduced to the degree reasonably and technically feasible through proposed mitigation measures for each individual related project and compliance with locally adopted and enforced noise ordinances. It is unlikely that Related Project No. 6 will be constructed concurrently with the Reduced Alternative 5 given that Westfield is no longer actively pursuing development of that project. Nonetheless, under the most conservative scenario, even with proposed mitigation measures, if nearby Related Project No. 6 were to be constructed concurrently with the Reduced Alternative 5, significant cumulative construction noise impacts could result.

In addition to the cumulative impacts of on-site construction activities, off-site construction haul trucks would have a potential to result in cumulative noise impacts if the haul trucks for the related projects and the Reduced Alternative 5 utilize the same haul routes. Cumulative noise impacts from haul trucks along Riverside Drive could be significant if the total haul trucks (from the Reduced Alternative 5 and the related projects) were to exceed 72 truck trips per hour. The estimated noise level from 72 truck trips per hour would be 72.7 dBA along Riverside Drive, which would exceed the 5 dBA significance thresholds. Therefore, it is conservatively concluded that the cumulative noise impacts from off-site haul trucks would be significant.

Potential vibration impacts due to construction activities are generally limited to buildings/structures that are located in close proximity of the construction site (i.e., within 15 feet as related to building damage and 80 feet as related to human annoyance). The nearest sensitive receptor (i.e., residential use) to both the Project Site and Related Project No. 6 would be the single-family residence at the corner of Riverside Drive and Murrieta Avenue, which is approximately 100 feet directly north of Related Project No. 6 and approximately 250 feet northeast of the Project Site. Since both Related Project No. 6 and the Reduced Alternative 5 would be more than 80 feet from the nearest sensitive receptor, there is no potential for a cumulative construction impact with respect to ground-borne vibration from on-site sources. However, to the extent that other related projects use the same haul routes as the Reduced Alternative 5, potential cumulative human annoyance impacts associated with temporary and intermittent vibration from haul trucks traveling along the designated haul routes would be significant.

#### b. Long-Term Operations

The Project Site and surrounding area have been developed with uses that have previously generated, and will continue to generate, noise from a number of community noise sources, including vehicle travel, mechanical equipment (e.g., HVAC systems), and outdoor activity areas. Due to provisions set forth in the LAMC that limit stationary source noise from items such as rooftop mechanical equipment, noise levels would be less than significant at the property line for each related project. In addition, with implementation of the proposed project design features provided below, noise impacts associated with operations within the Project Site would be less than significant. Based on the distance of the related projects from the Project Site and the noise levels associated with the Reduced Alternative 5 after implementation of all applicable regulatory requirements and the proposed project design features, cumulative stationary source noise impacts associated with operation of the Reduced Alternative 5 and related projects would be less than significant.

The Reduced Alternative 5 and related projects in the area would produce traffic volumes

(off-site mobile sources) that would generate roadway noise. Future cumulative conditions include traffic volumes from future ambient growth, related projects, and the Reduced Alternative 5. Cumulative traffic volumes from the Project, which would be greater than those under Reduced Alternative 5, would result in an increase of 0.2 dBA CNEL along Fulton Avenue (just north and south of Riverside Drive) to a maximum of 1.0 dBA CNEL along Hazeltine Avenue (south of US-101 Freeway). The estimated cumulative noise increase which would be below the 3 dBA significance threshold (applicable when noise level falls within the normally unacceptable category). Accordingly, cumulative noise impacts due to off-site mobile noise sources associated with the Reduced Alternative 5, future growth, and related projects would be less than significant.

#### (B) Project Design Features

**PDF G-1** Power construction equipment (including combustion engines), fixed or mobile, shall be equipped with state-of-the-art noise shielding and muffling devices (consistent with manufacturers' standards) and shall include the use of solar-powered generators, to the extent feasible. All equipment shall be properly maintained to assure that no additional noise, due to worn or improperly maintained parts would be generated. The construction contractor will keep documentation on-site demonstrating that the equipment has been maintained in accordance with manufacturer's specifications.

**PDF G-2** Project construction shall not include the use of driven (impact) pile systems.

**PDF G-3** All outdoor mounted mechanical equipment shall be enclosed or screened from off-site noise-sensitive receptors.<sup>5</sup>

**PDF G-4** Loading docks shall be located within the buildings and shall not have a direct line-of-sight to any off-site noise-sensitive uses.

**PDF G-5** Outdoor sound systems shall be designed so as to not exceed a maximum noise level of 75 dBA ( $L_{eq}$ ) at a distance of 50 feet from the speaker location within the residential rooftop courtyard, the outdoor dining area, and the public plaza. A noise consultant will provide written documentation that the design of the system complies with these noise levels.

#### (C) Mitigation Measures

##### (i) Construction

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

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<sup>5</sup> In accordance with the LA CEQA Thresholds Guide, noise-sensitive uses include residences, transient lodgings, schools, libraries, churches, hospitals, nursing homes, auditoriums, concert halls, amphitheaters, playgrounds and parks.

- Along the western property line of the Project Site between the construction area and existing residential buildings along Calhoun Avenue. The temporary sound barrier shall be designed to provide a minimum 15 dBA noise reduction at the ground level of the adjacent residential buildings to the west.
- Along the northern property line of the Project Site between the construction area and multi-family residential buildings on the north side of Riverside Avenue. The temporary sound barrier shall be designed to provide a minimum 10 dBA noise reduction at the ground level.
- Along the southern property line of the Project Site between the construction area and residences on the Stansbury Avenue, Hortense Street, and Valleyheart Drive (which has direct line-of-sight to the Project construction areas). The temporary sound barrier shall be designed to provide minimum 10 dBA noise reduction at the ground level.

**MM G-2** Stationary source equipment that is flexible with regard to relocation (e.g., generators and compressors) shall be located so as to maintain the greatest distance from sensitive land uses, specifically the single-family residences located along Calhoun Avenue, and idling of such equipment shall be prohibited.

**MM G-3** Loading and unloading of heavy construction materials shall be located on-site and away from noise-sensitive uses, specifically the single-family residences located along Calhoun Avenue.

**MM G-4** Construction and demolition activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously, which causes high noise levels.

(ii) Operation

Operation of the Reduced Alternative 5 would not result in a significant impact to off-site noise sensitive receptors. Therefore, no mitigation measures would be required.

(D) Finding

(i) Construction Noise

Regarding the Reduced Alternative 5's project-level on-site construction noise, impacts will be significant and unavoidable following implementation of Mitigation Measures G-1, G-2, and G-4. The City finds, pursuant to Public Resources Code Section 21081(a)(3), that specific economic, legal, social, technological, or other considerations, including considerations identified in Section XI of these findings (Statement of Overriding Considerations), make infeasible additional mitigation measures or other alternatives identified in the EIR to reduce the Reduced Alternative 5's on-site construction noise impacts to be less than significant.

Regarding cumulative on-site construction noise, under the most conservative scenario, even with proposed mitigation measures, impacts will be significant and unavoidable if Related Project No. 6 were to be constructed concurrently with the Reduced Alternative 5. The City finds, pursuant to Public Resources Code Section 21081(a)(3), that specific economic, legal, social, technological, or other considerations, including considerations identified in Section XI of these findings (Statement of Overriding Considerations), make infeasible additional mitigation measures or other alternatives identified in the EIR to reduce the Reduced Alternative 5's cumulative on-site construction noise impacts to be less than significant.

Regarding cumulative off-site construction noise, impacts from haul trucks along Riverside Drive will be significant and unavoidable if the total haul trucks (from the Reduced Alternative 5 and the related projects) were to exceed 72 truck trips per hour. The City finds, pursuant to Public Resources Code Section 21081(a)(3), that specific economic, legal, social, technological, or other considerations, including considerations identified in Section XI of these findings (Statement of Overriding Considerations), make infeasible additional mitigation measures or other alternatives identified in the EIR to reduce the Reduced Alternative 5's cumulative off-site construction noise impacts to be less than significant.

(ii) Construction Vibration

Regarding Reduced Alternative 5's project-level and cumulative on- and off-site construction vibration impacts with respect to building damage, impacts would be less than significant without mitigation.

Regarding Reduced Alternative 5's project-level on-site construction vibration, and project-level and cumulative off-site construction vibration impacts with respect to human annoyance, impacts would be significant and unavoidable. The City finds, pursuant to Public Resources Code Section 21081(a)(3), that specific economic, legal, social, technological, or other considerations, including considerations identified in Section XI of these findings (Statement of Overriding Considerations), make infeasible additional mitigation measures or other alternatives identified in the EIR to reduce the Reduced Alternative 5's project-level on-site construction vibration and project-level and cumulative off-site construction vibration impacts with respect to human annoyance to be less than significant.

(iii) Operational Noise

Under Reduced Alternative 5, project-level and cumulative impacts with regard to operational noise would be less than significant.

(E) Rationale for Finding

(i) Construction Noise

Compliance with the required mitigation measures would reduce project-level and cumulative construction noise levels to the extent feasible. In particular, implementation of Mitigation Measure G-1 (installation of temporary sound barriers) would reduce the noise generated by on-site construction activities by 15 dBA at the sensitive uses to the west (receptor R1), 10 dBA at the sensitive uses to the north-south (receptors R2 and R3). However, the temporary noise barrier would only be effective in reducing construction noise at the ground level, and would not be effective at reducing noise levels at the balconies of the multi-level residential buildings on the north side of Riverside Drive (receptor R2). There is no feasible noise barrier that would provide

effective noise reduction at upper levels of the adjacent residential buildings. The estimated construction-related noise reductions attributable to Mitigation Measures G-2 and G-4, although not easily quantifiable, would also ensure that noise impacts associated with on-site construction activities would be reduced to the extent feasible. Nevertheless, the temporary construction noise impacts at receptors R1 and R2 would remain significant and unavoidable.

Additional mitigation measures considered to reduce vibration impacts with respect to human annoyance included the 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 deep and long to be effective, and are not considered cost effective for temporary applications such as construction. In addition, constructing a wave barrier to reduce construction-related vibration impacts would, in and of itself, generate ground borne vibration from the excavation equipment. Thus, it is concluded that there are no feasible mitigation measures that could be implemented to reduce the temporary vibration impacts associated with human annoyance to a less-than-significant level. Therefore, project-level vibration impacts from on-site construction activities with respect to human annoyance would remain significant and unavoidable. Impacts would be temporary, intermittent, and limited to daytime hours when large construction equipment (e.g., large bulldozer) is operating within 80 feet of a sensitive receptor.

Alternative 1, the No Project Alternative, would avoid this significant impact. However, as discussed in Section V., Alternatives, of the Draft EIR, Alternative 1 would not meet the underlying purpose of the project, nor any of the project objectives. None of the Alternatives 2 through 4 would reduce this impact to a less than significant level, and no feasible mitigation measures were identified that would reduce this impact to a less than significant level. Pursuant to Public Resources Code section 21081(a)(3), based on the evidence described below in Section XI, Statement of Overriding Considerations, the City finds that specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report to reduce these impacts to less than significant.

(ii) Construction Vibration

Vibration levels generated by construction trucks (i.e., haul, concrete and delivery) under the Reduced Alternative 5 would exceed the significance threshold for human annoyance at sensitive receptors along Riverside Drive resulting in significant project-level and cumulative construction vibration impacts. There are no feasible mitigation measures that would reduce the potential vibration human annoyance impacts. Therefore, project-level vibration impacts related to human annoyance from off-site construction haul trucks (during the site excavation phase with more than 70 delivery trucks per day) would remain significant and unavoidable. Impacts would be temporary, intermittent, and limited to during daytime hours when the haul truck is traveling within 25 feet of a sensitive receptor. There are no feasible mitigation measures available that would reduce the off-site construction vibration impacts. Furthermore, regarding on-site construction vibration, Mitigation Measures G-2 through G-4 require that construction activities are scheduled and located on-site in a manner that would reduce noise and vibration at nearby sensitive receptors. These mitigation measures reduce impacts to the maximum extent feasible, but no further mitigation is available that would further reduce these on-site vibration impacts to a less than significant level.

Alternative 1, the No Project Alternative, would avoid this significant impact. However, as discussed in Section V., Alternatives, of the Draft EIR, Alternative 1 would not meet the underlying

purpose of the project, nor any of the project objectives. None of the Alternatives 2 through 4 would reduce this impact to a less than significant level, and no feasible mitigation measures were identified that would reduce this impact to a less than significant level. Pursuant to Public Resources Code section 21081(a)(3), based on the evidence described below in Section XI, Statement of Overriding Considerations, the City finds that specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report to reduce these impacts to less than significant.

(iii) Operational Noise

Under Reduced Alternative 5, project-level and cumulative impacts with regard to operational noise would be less than significant without mitigation.

(F) Reference

Section IV.G, Noise, of the Draft EIR, noise calculation worksheets included in Appendix E of the Draft EIR, Section II.C., Topical Responses, of the Final EIR, and the supplemental noise analysis included as Appendix FEIR-3 of the Final EIR.

3. Transportation/Traffic

(A) Impact Summary

(i) Construction

a. Temporary Traffic Impacts

Significant traffic impacts would occur during Project construction at Intersection No. 6: Hazeltine Avenue and Riverside Drive and at Intersection No. 10: Riverside Drive and Woodman Avenue during the A.M. peak period under both Existing with Project Construction Conditions and Future with Project Construction Conditions. Therefore, the Project would result in temporary, but significant, traffic impacts during construction and mitigation is required.

As with the Project, construction of the Reduced Alternative 5 would generate additional trips from heavy-duty construction equipment, haul trucks, and construction worker trips. As previously discussed, while demolition activities under the Reduced Alternative 5 would be similar to the Project, the Reduced Alternative 5 would reduce the overall amount of building construction and excavation. In particular, the Reduced Alternative 5 proposes the export of only 152,870 cubic yards of soil from the Project Site, whereas the Project proposes the export of 157,400 cubic yards of soil. Therefore, the overall number of haul truck trips during peak construction activity would be reduced compared to the Project. However, it is expected that the amount of trucks during a maximum construction activity day would be similar to the Project while reducing the hauling schedule and overall construction schedule. Thus, similar to the Project, the Reduced Alternative 5 would result in temporary, but significant, traffic impacts during construction. The Reduced Alternative 5 would implement the same mitigation measure as the Project that would require the preparation and implementation of a Construction Management Plan that would provide that any temporary lane closures and construction-related deliveries and haul trips occur outside the commuter peak hours. The Construction Management Plan would also include temporary traffic controls to direct traffic around any closures and reduce traffic impacts in the study area associated with construction of the Reduced Alternative 5. Therefore, similar to the

Project, temporary traffic impacts during construction under the Reduced Alternative 5 would be reduced to a less than significant level with implementation of mitigation. Such impacts would be less than those of the Project as they would be experienced for a shorter duration.

b. Access and Safety Impacts

Construction of the Project, including construction staging, would be contained within the boundaries of the Project Site and would not affect pedestrian access around the Project Site. In addition, as part of the Construction Management Plan to be prepared for the Project (per Mitigation Measure I-1), safety precautions for pedestrians and bicyclists would be implemented during construction of the Project. While one of the three existing driveways for vehicular access could be closed temporarily during construction, the remaining driveways would remain to provide access to the Project Site. In the event temporary lane closures are required for the implementation of necessary infrastructure or driveway improvements, both directions of travel would be maintained to ensure that adequate and safe access, including access for emergency vehicles, remains available within and near the Project Site. Appropriate standard construction traffic control measures (e.g., detour signage, delineators, etc.) would also be implemented, as necessary, to ensure access to the Project Site and traffic flow is maintained on adjacent rights-of-way. With implementation of standard construction traffic control measures, as provided in the Construction Management Plan, Project construction would not be expected to substantially increase hazards in the area. Therefore, Project construction would not substantially increase hazards or result in inadequate emergency access. Access and safety impacts during Project construction would be less than significant.

Like the Project, construction of the Reduced Alternative 5 would be contained within the boundaries of the Project Site and would not affect pedestrian access around the Project Site. In addition, as part of the Construction Management Plan to be prepared, safety precautions for pedestrians and bicyclists would also be implemented during construction of the Reduced Alternative 5. Therefore, similar to the Project, access and safety impacts during construction of the Reduced Alternative 5 would be less than significant.

c. Bus/Transit Impacts

As construction activities would be contained within the Project Site and adjacent pedestrian facilities would not be affected, Project construction would not require rerouting of bus stops or bus lines located adjacent to the Project Site. Therefore, the Project would not result in significant impacts to transit during construction.

Similarly, construction of the Reduced Alternative 5 would not require the relocation or removal of transit stops located near the Project Site. As such, development of the Reduced Alternative 5 would not result in significant impacts on transit access, similar to the Project.

d. On-Street Parking Impacts

Parking is permitted along Riverside Drive adjacent to the Project Site. The intermittent use of the curb lane along Riverside Drive could result in the temporary loss of on-street parking along Riverside Drive. However, as the displacement of these spaces would be temporary and would not be substantial such that the parking needs of the Project area would not be met, potential impacts to on-street parking during construction of the Project would be less than significant.

With regard to potential impacts to on-street parking during construction, as with the Project, the Reduced Alternative 5 could similarly result in the temporary loss of on-street parking along Riverside Drive. However, the displacement of these spaces would similarly be temporary and would not be substantial such that the parking needs of the Project Site area would not be met. Thus, similar to the Project, potential impacts to on-street parking during construction of the Reduced Alternative 5 would be less than significant.

Overall, construction-related impacts to access and safety, transit, and on-street parking would be less than significant and similar to the Project.

(ii) Operation

a. Intersection Levels of Service

As discussed in Section IV.I, Transportation/Traffic, and summarized in Table IV.I-4 of the Draft EIR, the Project was estimated to result in the generation of approximately 4,412 daily trips on a typical weekday, including 267 trips (97 inbound, 170 outbound) during the A.M. peak period and 400 trips (235 inbound, 165 outbound) during the P.M. peak period.

i. Existing Plus Project Conditions

Under Existing Plus Project Conditions, the addition of Project traffic at two of the study intersections would result in a change to the volume-to-capacity ratio that would exceed the significance thresholds. The following are those intersections where significant impacts would occur under Existing Plus Project Conditions:

- Intersection 6: Hazeltine Avenue and Riverside Drive (A.M. and P.M. peak periods)
- Intersection 10: Riverside Drive and Woodman Avenue (A.M. peak period)

ii. Future Plus Project Conditions

Under the Future Plus Project Condition, the addition of Project traffic at two of the study intersections, would result in a change to the volume-to-capacity ratio that would exceed the significance thresholds. The following are those intersections where significant impacts would occur under Future Plus Project Conditions:

- Intersection 6: Hazeltine Avenue and Riverside Drive (A.M. and P.M. peak periods)
- Intersection 10: Riverside Drive and Woodman Avenue (A.M. and P.M. peak periods)

iii. Supplemental Traffic Analysis

In comparison, as provided in the Supplemental Traffic Analysis and LADOT Assessment Letter included as Appendix FEIR-4 of the Final EIR, the Reduced Alternative 5 would generate approximately 3,516 daily trips on a typical weekday, including 239 trips during the A.M. peak period and 313 trips during the P.M. peak period. As such, the Reduced Alternative 5 would result in 896 fewer daily trips, 28 fewer trips during the A.M. peak period, and 87 fewer trips during the P.M. peak period.

As evaluated in the Supplemental Traffic Analysis, the traffic analysis conducted for the Reduced Alternative 5 evaluated Existing Plus Project (Reduced Alternative 5) and Future Plus Project (Reduced Alternative 5) conditions considering the extended buildout year (from 2018 to 2021) and the addition of ambient growth at two percent per year, an updated related projects list, and proposed striping changes along Hazeltine Avenue.

As detailed in Tables 5a and 5b of the Supplemental Traffic Analysis, no new significant traffic impacts would result with implementation of the Reduced Alternative 5. The significant impacts previously identified in the Draft EIR at Intersection 6, Hazeltine Avenue and Riverside Drive, during the A.M. and P.M. peak hours under Existing Plus Project and Future Plus Project Conditions would remain with implementation of the Reduced Alternative 5. Similarly, the significant impacts previously identified in the Draft EIR at Intersection 10, Riverside Drive and Woodman Avenue, during the A.M. peak hour under the Existing Plus Project Condition and during the A.M. and P.M. peak hours under Future Plus Project Conditions would also remain with implementation of the Reduced Alternative 5. As with the Project, the Reduced Alternative 5 would implement Mitigation Measures I-2 through I-4 included in the Draft EIR to address these impacts.

As summarized in Table 5a and 5b of the Supplemental Traffic Analysis, as with the Project, implementation of Mitigation Measures I-2 through I-4 would reduce the significant impacts of the Reduced Alternative 5 at Intersection 6, Hazeltine Avenue and Riverside Drive, and at Intersection 10, Riverside Drive and Woodman Avenue, under Existing Plus Project Conditions to a less-than-significant level. However, as relocation of the bus stop proposed as part of Mitigation Measure I-4 has been determined infeasible, as contemplated in the DEIR, the A.M. peak hour impact at Intersection 10 under Existing Plus Project and Future Plus Project Conditions is considered significant and unavoidable.

#### b. Regional Transportation System

##### i. Congestion Management Program Freeway Segment Analysis

The freeway located closest to the Project Site is the Ventura (US-101) Freeway. The maximum number of Project trips on any one freeway segment along the Ventura Freeway would be 35 vehicles during the morning and afternoon peak periods. As such, the Project would not add 150 or more trips in either direction during either morning or afternoon peak periods on any freeway segment along the closest freeway to the Project Site. Therefore, Project impacts to a CMP mainline freeway monitoring location would be less than significant.

As discussed, the Reduced Alternative 5 would generate fewer net new trips than the Project, and therefore impacts to a CMP mainline freeway monitoring location would also be less than significant.

##### ii. Congestion Management Program Arterial Monitoring Station Analysis

The nearest arterial CMP monitoring station is located at the intersection of Ventura Boulevard and Woodman Avenue, approximately 1 mile from the Project Site. The Project would generate a maximum of 20 trips at the Ventura Boulevard and Woodman Avenue arterial monitoring intersection during the P.M. peak period. Therefore, the Project would add fewer than 50 peak-hour trips at the arterial monitoring intersection nearest the Project Site. As such, Project impacts to a CMP arterial intersection would be less than significant.

While the Project would not add 50 or more peak hour trips along an arterial monitoring intersection or 150 or more trips to a CMP mainline freeway segment, an analysis of the freeway level of service was conducted to determine if the Project would create any changes to existing freeway operating conditions. Based on the analysis, the existing level of service of the Ventura Freeway at Woodman Avenue, the San Diego Freeway north of the Ventura Freeway, and the Hollywood Freeway north of the Ventura Freeway would not change with the addition of Project-related traffic under Existing Plus Project Conditions and Future Plus Project Conditions. Therefore, the Project would not result in significant impacts to a CMP arterial monitoring intersection or along a freeway segment.

As discussed, the Reduced Alternative 5 would generate fewer net new trips than the Project, and therefore would also not result in significant impacts to a CMP arterial monitoring intersection or along a freeway segment.

### iii. Public Transit

The Project would generate approximately 13 net new transit trips during the morning peak hour and 20 net new transit trips during the P.M. peak hour. Observations of the public transit facilities in the study area indicate that transit ridership during the morning and afternoon peak periods is operating below capacity with the exception of the Metro Orange Line. Based on the Project's limited increase in transit trips during the morning and afternoon peak periods, it is not anticipated that the new transit trips associated with the Project would adversely affect the current ridership of the transit services in the study area. Therefore, Project impacts to the existing transit system in the study area would be less than significant.

Because the Reduced Alternative 5 would reduce overall development intensity, it would generate fewer new transit trips than would the Project. Accordingly, the impacts to the existing transit system in the study area under Reduced Alternative 5 would also be less than significant.

### c. Residential Street Segments

The residential street segments with the greatest potential to be impacted by the Project include: Stansbury Avenue north of Riverside Drive, Calhoun Avenue north of Riverside Drive, Katherine Avenue north of Riverside Drive, Tyrone Avenue north of Riverside Drive, Valleyheart Drive east of Hazeltine Avenue, and Milbank Street east of Hazeltine Avenue. A residential street segment analysis was not conducted along Calhoun Avenue south of Riverside Drive because it is a non-continuous roadway and there would be no Project Site access (with the exception of emergency access). The Project would not exceed the significant impact criteria established by LADOT along any of the analyzed residential street segments under Existing Plus Project and Future Plus Project Conditions. Therefore, Project impacts to residential street segments would be less than significant.

Because the Reduced Alternative 5 would reduce overall development intensity, it also would not exceed the significant impact criteria established by LADOT along any of the analyzed residential street segments under Existing Plus Project and Future Plus Project Conditions, and impacts to residential street segments would also be less than significant.

### d. Access and Circulation

Based on the *City of Los Angeles CEQA Thresholds Guide*, a project would have a significant impact on project access if the intersection(s) nearest the primary site access is/are projected to operate at LOS E or F during the A.M. or P.M. peak hours under Future with Project conditions.

The intersections nearest the Project Site access driveways include Intersection 6: Hazeltine Avenue and Riverside Drive and Intersection 7: Hazeltine Avenue and Project Driveway/Fashion Square Driveway. Under Future with Project Conditions, Intersection 6: Hazeltine Avenue and Riverside Drive would continue to operate at LOS D or better during the morning and afternoon peak periods and Intersection 7: Hazeltine Avenue and Project Driveway/Fashion Square Driveway would continue to operate at LOS B or better during the morning and afternoon peak periods under the Project. Therefore, the Project would have a less-than-significant impact on access.

Also with regard to access, the Traffic Impact Analysis evaluated the Project Site driveways to determine if adequate vehicle storage lengths are provided at the Project Site driveways along Riverside Drive and along Hazeltine Avenue. The vehicle storage lengths available at/near the Project Site driveways range from approximately 40 feet to 200 feet. The Project would be expected to result in queue lengths ranging from approximately 0 feet to 176 feet. Based on a comparison of the available vehicle storage lengths and the amount of space required for Project vehicle queuing, the turn lanes would not exceed their storage capacity. Therefore, there would be adequate queuing capacity at/near the Project driveways.

As discussed in Appendix FEIR-4 of the Final EIR, the Supplemental Traffic Analysis, the Reduced Alternative 5 includes design modifications that enhance access and circulation to and throughout the Project Site and from Hazeltine Avenue. Specifically, the proposed surface parking lot along Hazeltine Avenue includes a pass-through lane for all vehicles that would allow access to Building A from the Project Site's southerly Hazeltine Avenue driveway, as opposed to traveling northbound and turning left at Hazeltine Avenue and Riverside Drive. Additionally, Hazeltine Avenue is proposed to be restriped to provide a dual southbound left-turn entry into Westfield's signalized driveway. This would reduce the potential for queuing into the Westfield parking garage along Hazeltine Avenue. Based on community and DEIR commenter input, the Project Site's northerly Hazeltine Avenue driveway would be restricted to only right-turn in and right-turn out access to improve circulation along Hazeltine Avenue. Project residents and patrons traveling northbound on Hazeltine Avenue would also be prohibited from turning left into the northerly Hazeltine Avenue driveway. The Supplemental Traffic Analysis included in Appendix FEIR-4 of the Final EIR considers these driveway and lane configuration modifications.

Based on the proposed circulation improvements (dual southbound lefts at the Westfield Shopping Center driveway and drive through aisle in the surface parking lot area), more traffic is expected to make use of the southerly Hazeltine Avenue driveway, thus reducing circulation on the surface streets around the Project Site and at the Hazeltine Avenue and Riverside Drive driveway as compared to the Project analyzed in the DEIR. As provided in the Supplemental Traffic Analysis, the additional traffic at the signalized Project Site driveway on Hazeltine Avenue would not create new significant traffic impacts.

#### e. Bicycle, Pedestrian, and Vehicular Safety

Access to the Project Site would be provided via the existing driveways along Riverside Drive and Hazeltine Avenue. The Project access locations, including any proposed driveway modifications, would be required to conform to City standards and would be designed to provide adequate sight distance, sidewalks, and/or pedestrian movement controls that would meet the City's requirements to protect pedestrian safety. The Project would also include separate pedestrian entrances and would provide access from adjacent streets, parking facilities, and transit stops to facilitate pedestrian movement. Further, the Project would maintain existing sidewalks and provide a direct and safe path of travel with minimal obstructions to pedestrian movement within and adjacent to the Project Site. The existing bicycle facilities along Riverside Drive and

Woodman Avenue would also be maintained. The Project would also provide public access through the Project Site to connect pedestrian and cyclists to the LA River. As the Project would maintain the existing sidewalks and circulation system, the Project would not disrupt bicycle flow along Riverside Drive and Woodman Avenue. In addition, visitors, patrons, and employees arriving by bicycle would have the same access opportunities as pedestrian visitors and, to facilitate bicycle use, bicycle parking spaces and amenities would be provided within the Project Site. Therefore, the Project would not substantially increase hazards to bicyclists, pedestrians, or vehicles, and impacts related to bicycle, pedestrian, and vehicular safety would be less than significant.

The access and circulation scheme for the Reduced Alternative 5 would be similar to that of the Project. Therefore, impacts to bicycle, pedestrian, and vehicular safety would be less than significant and similar to the less-than-significant impacts of the Project.

#### f. Parking

Based on the parking requirements set forth in LAMC Section 12.21.A.4, the Project would be required to provide a total of 945 parking spaces. The Project would provide a total of 1,345 parking spaces. and would provide sufficient parking to comply with the minimum applicable parking requirements in the LAMC. Therefore, the Project would have no impact related to automobile parking.

Per Section 12.21.A.16(a)(2) of the LAMC, the Project would be required to provide a minimum of 368 bicycle parking spaces, including 50 short-term and 318 long-term bicycle parking spaces. The Project proposed to provide 368 bicycle parking spaces on-site. Therefore, the Project would comply with the applicable bicycle parking requirements of the LAMC and would have no impact related to bicycle parking.

The access and circulation scheme for the Reduced Alternative 5 would be similar to that of the Project. In addition, the proposed parking and bicycle parking would continue to exceed LAMC parking requirements. Therefore, impacts to parking would be less than significant and similar to the less-than-significant impacts of the Project.

#### g. Consistency with Plans

With implementation of the mitigation measures provided below, the Reduced Alternative 5 would not conflict with an applicable plan, ordinance, or policy establishing measures of effectiveness for the performance of the circulation system, including intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit. In addition, sufficient width would be available in the streets surrounding the Project Site to implement the proposed bicycle facilities, although implementation of such facilities could degrade operating conditions for vehicular traffic due to the loss of vehicle travel lanes and necessitate the loss of the existing parking lane along Riverside Drive. The Reduced Alternative 5 would also not result in significant impacts to the CMP intersection and freeway monitoring locations located in the vicinity of the Project Site. Moreover, the Reduced Alternative 5 would not result in significant impacts to public transportation in the area. The Reduced Alternative 5 would support local and regional plans and policies that encourage alternative transportation. Therefore, the Reduced Alternative 5 would be consistent with the CMP. Overall, the Reduced Alternative 5 would not conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities.

#### (iii) Cumulative Impacts

a. Construction

The 13 related projects are dispersed throughout the vicinity of the Project Site and would draw upon a workforce from all parts of the Los Angeles region. Many, and likely most, of the construction workers are anticipated to arrive and depart the individual construction sites during off-peak hours (i.e., arrive prior to 7:00 A.M. and depart between 3:00 P.M. to 4:00 P.M.), thereby avoiding construction related trips during the A.M. and P.M. peak traffic periods. In addition, the haul truck routes for the related projects would be approved by LADOT and/or the Department of Building and Safety according to the location of the individual construction site and the ultimate destination. The City's established review process would take into consideration overlapping construction projects and would balance haul routes to minimize the impacts of cumulative hauling on any particular roadway. Nonetheless, the potential exists for the construction-related activities and/or haul routes of the Project and the related projects to overlap, particularly with respect to Related Project No. 6, the Westfield Mall expansion. As with the Reduced Alternative 5, other nearby related projects could require lane closures during construction. Significant traffic during construction would occur at Intersection 6: Hazeltine Avenue and Riverside Drive and at Intersection 10: Riverside Drive and Woodman Avenue during the A.M. peak period under both Existing with Project Construction Conditions and Future with Project Construction Conditions. Therefore, cumulative traffic impacts during construction of the Reduced Alternative 5 are concluded to be significant, although such impacts would be less than those of the Project.

b. Operation

i. Intersection Levels of Service

Under cumulative conditions (Future Plus Project Conditions), the Reduced Alternative 5 would result in significant impacts to two of the 14 study intersections. Therefore, the Reduced Alternative 5's contribution to impacts that would occur under the future cumulative conditions would be considerable, and cumulative impacts would be significant at the intersections impacted by the Reduced Alternative 5.

ii. Regional Transportation System

The Project would add less than 150 trips along the freeway monitoring station closest to the Project Site. In addition, the Project would not add more than 50 vehicle trips during the A.M. and P.M. peak hours at the CMP arterial monitoring stations nearest to the Project Site. Further, the Project would not result in significant transit impacts. Thus, no CMP or transit impacts would occur under the Project and, as a result, the Project's contribution to cumulative impacts would not be cumulatively considerable. Therefore, the Project's cumulative impacts with regard to the CMP and transit would be less than significant.

As discussed, the Reduced Alternative 5 would generate fewer net new trips than the Project, therefore the cumulative impacts with regard to the CMP and transit would also be less than significant.

iii. Residential Street Segments

Implementation of the Reduced Alternative 5 in conjunction with the related projects would increase the amount of traffic in the study area. The Reduced Alternative 5 would result in less-than-significant impacts related to residential street segments. Therefore, the Reduced

Alternative 5's cumulative impacts would not be cumulatively considerable and impacts to residential street segments would be less than significant.

iv. Access and Circulation

The Reduced Alternative 5 would result in less-than-significant impacts related to access and circulation. Therefore, the Reduced Alternative 5's cumulative impacts would not be cumulatively considerable and impacts to access and circulation would be less than significant.

v. Bicycle, Pedestrian and Vehicular Safety

Reduced Alternative 5's impacts related to bicycle, pedestrian, and vehicular safety would be less than significant. In addition, as with the Reduced Alternative 5, it is anticipated that future related projects would be subject to City review to ensure that related projects are designed with adequate access/circulation, including standards for sight distance, sidewalks, crosswalks, and pedestrian movement controls. Thus, Reduced Alternative 5's impacts with regard to bicycle, pedestrian, and vehicular safety would not be cumulatively considerable, and cumulative impacts would be less than significant.

vi. Parking

With regard to parking, the parking demand associated with the Reduced Alternative 5 would not contribute to the cumulative demand for parking in the vicinity of the Project Site as a result of development of the Reduced Alternative 5 and related projects. In addition, the Reduced Alternative 5 would comply with the parking requirements set forth in the LAMC for the proposed uses. Similarly, related projects would have been or would be subject to City review to ensure that adequate parking be provided for each of the related projects. Therefore, Reduced Alternative 5's impacts with regard to parking would not be cumulatively considerable, and no cumulative impacts would result.

(B) Project Design Features

No specific project design features beyond those set forth in Section II, Project Description, of the Draft EIR are proposed with regard to traffic, access and parking.

(C) Mitigation Measures

(i) Construction

**MM I-1** Prior to the start of construction, the Project Applicant shall prepare a Construction Management Plan, including street closure information, a detour plan, haul routes, and a staging plan, and submit it to the Los Angeles Department of Transportation for review and approval. The Construction Management Plan would formalize how construction would be carried out and identify specific actions that would be required to reduce effects on the surrounding community. The Construction Management Plan shall be based on the nature and timing of the specific construction activities and other projects in the vicinity of the Project Site, and shall include, but not be limited to, the following elements, as appropriate:

- The Project shall obtain approval of truck haul routes prior to construction of the Project.
- The majority of construction activities, including truck staging, shall be conducted on-site. If temporary lane closures are needed, the Project Applicant shall obtain approval from the Bureau of Street Services. Closures shall be limited to non-peak commute hours between 9:00 A.M. and 3:00 P.M.
- In the event temporary closures of one or more existing driveways are necessary, access to the Project Site shall be maintained via at least one of the three existing driveways.
- Construction-related deliveries, haul trips, etc., shall be scheduled to occur outside the commuter peak hours of 7:00 A.M. to 9:00 A.M. and 3:00 P.M. to 6:00 P.M.
- Access to the Project Site from Calhoun Avenue by construction-related vehicles shall be limited, to the extent feasible.
- Construction workers shall be prohibited from parking on adjacent residential streets.
- Temporary traffic control during all construction activities adjacent to public rights-of-way shall be implemented to improve traffic flow on public roadways (e.g., flag men).
- Safety precautions for pedestrians and bicyclists shall be implemented, including through the installation of alternate routing and protection barriers, as appropriate.
- The Project Applicant shall plan construction and construction staging as to maintain pedestrian access on adjacent sidewalks throughout all construction phases. This requires the Project Applicant to maintain adequate and safe pedestrian protection, including physical separation (including utilization of barriers such as K-Rails or scaffolding, etc.) from work space and vehicular traffic and overhead protection, due to sidewalk closure or blockage, at all times.
- Temporary pedestrian facilities shall be adjacent to the project site and provide safe, accessible routes that replicate as nearly as practical the most desirable characteristics of the existing facility.
- Covered walkways shall be provided where pedestrians are exposed to potential injury from falling objects.
- The Project Applicant shall keep sidewalk open during construction until only when it is absolutely required to close or block sidewalk for construction staging. Sidewalk shall be reopened as soon as

reasonably feasible taking construction and construction staging into account.

(ii) Operation

**MM I-2** The Project Applicant shall develop and implement a Transportation Demand Management Program that includes strategies to promote non-auto travel and reduce the use of single-occupant vehicle trips. The Transportation Demand Management Program shall include design features, transportation services, education programs, and incentive programs intended to reduce the amount of single-occupant vehicles during commute hours. The TDM shall implement measures able to achieve a 10-percent reduction in daily trips related to proposed uses. The Transportation Demand Management Program shall be subject to review and approval by the Department of City Planning and LADOT. The Transportation Demand Management Program would include annual monitoring and reduction in leasable square footage or potential change of use in the event the trip cap of the Project is exceeded. The Transportation Demand Management Program shall include, but is not limited to, the following:

- Establish an on-site Transportation Management Office as part of the management office to assist residents and employees find alternate travel modes and strategies.
- Provide a visible on-site kiosk with options for ridesharing, bus routes, and information on bike routes in a prominent area(s) for residents, employees, and patrons of the commercial components;
- Provide car sharing service for residents and/or commercial employees that rideshare;
- Encourage alternative work arrangements for employees and residents;
- Transit Amenities:
  - Improve the existing bus stop on the east and west side of Hazeltine Avenue south of Riverside with a covered bench;
  - Improve the existing bus stop on the east and west side of Hazeltine Avenue south of Riverside with an electronic sign displaying the estimated arrival time for the next bus;
  - Provide access and transit pass reductions for residents and employees of the commercial venues;
- Provide carpool and vanpool matching and preferential parking for carpools/vanpools that register with the Transportation Management Office;

- Provide secure bicycle facilities and bicycle sharing service for use by residents and/or commercial employees;
- Provide improved site design that provides pedestrian oriented congregating areas and open passageways, on-site pick-up and drop-off areas and access to the Los Angeles River Parkway.
- Provide transit and ridesharing incentives such as points or coupons for merchandise or transit passes.
- Provide guaranteed rides home for employees that use alternative modes of transportation or rideshare in the event of an emergency.
- Incentives for employees of the office building to live on-site.

**MM I-3 Intersection 6: Hazeltine Avenue and Riverside Drive**—The Project Applicant shall coordinate with LADOT to fund and implement the widening of the south side of Riverside Drive west of Hazeltine Avenue to provide an eastbound dedicated right-turn lane to southbound Hazeltine Avenue. The Project shall install protective permissive left-turn phasing in the northbound, eastbound, and westbound directions at Hazeltine Avenue and Riverside Drive. A dedicated eastbound bicycle lane along the north side of the right-turn lane shall also be installed. Traffic signals shall be upgraded to accommodate this safety improvement.

(D) Finding

Regarding project-level and cumulative construction traffic impacts, pursuant to Public Resources Code Section 21081(a)(1), the City finds that changes or alterations have been required in, or incorporated into, the Reduced Alternative 5 which mitigate or avoid potential significant effects on the environment regarding construction-period traffic impacts.

Regarding intersection levels of service, during operations, while incorporation of Mitigation Measures I-2 and I-3 into the Reduced Alternative 5 would reduce the impacts at Intersection 6: Hazeltine Avenue and Riverside Drive during the A.M. and P.M. peak periods under Existing Plus Project and Future Plus Project Conditions to a less-than-significant level, impacts at Intersection 10: Riverside Drive and Woodman Avenue during the A.M. peak period under the Existing Plus Project Conditions and during the A.M. and P.M. peak periods under Future Plus Project Conditions would remain significant and unavoidable. The City finds, pursuant to Public Resources Code Section 21081(a)(3), that specific economic, legal, social, technological, or other considerations, including considerations identified in Section XI of these findings (Statement of Overriding Considerations), make infeasible additional mitigation measures or other alternatives identified in the EIR to reduce the Reduced Alternative 5's project-level and cumulative operational traffic impacts to signalized intersections to be less than significant.

All other construction and operational traffic impacts would be less than significant without mitigation.

(E) Rationale for Finding

(i) Construction

With implementation of the Construction Management Plan, temporary traffic impacts during construction would be reduced to less-than-significant levels.

Implementation of the Construction Management Plan would also minimize potential conflicts between construction activity and pedestrian and vehicular traffic in the vicinity of the Project Site. Construction-related traffic impacts associated with access and safety, transit, and parking would be less than significant.

(ii) Operation

a. Intersection Levels of Service

i. Existing Plus Project with Mitigation

Implementation of Mitigation Measures I-2 and I-3 would result in peak-hour trip reductions and operational improvements. With implementation of mitigation, the significant traffic impacts at Intersection 6: Hazeltine Avenue and Riverside Drive during the A.M. and P.M. peak periods under Existing Plus Project Conditions would be reduced to a less-than-significant level.

Proposed Mitigation Measure I-4 would have required the Project Applicant to coordinate with LADOT to fund and implement an operational right-turn lane for eastbound Riverside Drive to southbound Woodman Avenue by relocating the existing Metro bus stop located on the south side of Riverside Drive, west of Woodman Avenue. The DEIR identified this as a significant unavoidable impact that could not be mitigated because of the possibility that Metro and/or LADOT would determine the relocation of the existing bus stop to be infeasible. It was subsequently determined that the relocated bus stop could potentially occur in three potential locations: (1) on the south side of Riverside Drive, west of Woodman Avenue between the two gas station driveways; (2) on the south side of Riverside Drive west of Woodman Avenue and west of the easterly gas station driveway; and (3) east of the current bus stop location between the two shopping center driveways located approximately 650 feet west of the current location. However, as provided in LADOT's Assessment Letter included in Appendix FEIR-4 of the Final EIR, LADOT has determined the bus stop relocation to be infeasible. Therefore, as contemplated in the DEIR, the significant and unavoidable traffic impacts at Intersection 10: Riverside Drive and Woodman Avenue during the A.M. peak period under the Existing Plus Project Conditions would remain.

Alternative 1, the No Project Alternative, would avoid this significant impact. However, as discussed in Section V., Alternatives, of the Draft EIR, Alternative 1 would not meet the underlying purpose of the project, nor any of the project objectives.

Alternative 2 would eliminate the project-level and cumulative significant and unavoidable impacts to intersection levels of service during operation. However, Alternative 2 would introduce new significant and unavoidable impacts to aesthetics, views, and historic resources. Moreover, Alternative 2 would not meet several of the project objectives.

Alternatives 3 and 4 would not reduce this impact to a less than significant level, and no feasible mitigation measures were identified that would reduce this impact to a less than significant level. Pursuant to Public Resources Code section 21081(a)(3), based on the evidence described below in Section XI, Statement of Overriding Considerations, the City finds that specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation

measures or alternatives identified in the environmental impact report to reduce these impacts to less than significant.

ii. Future Plus Project with Mitigation

With implementation of mitigation, Reduced Alternative 5's significant traffic impacts at Intersection 6: Hazeltine Avenue and Riverside Drive during the A.M. and P.M. peak periods under Future Plus Project Conditions would be reduced to a less-than-significant level. Therefore, the Reduced Alternative 5 would avoid the Project's significant and unavoidable impact at Intersection 6: Hazeltine Avenue and Riverside Drive during the A.M. peak period under Future Plus Project Conditions.

However, as discussed above, there is no feasible mitigation measure that would avoid the significant and unavoidable impacts at Intersection 10: Riverside Drive and Woodman Avenue during the A.M. and P.M. peak periods under Future Plus Project Conditions. Proposed Mitigation Measure I-4 would have required the Project Applicant to coordinate with LADOT to fund and implement an operational right-turn lane for eastbound Riverside Drive to southbound Woodman Avenue by relocating the existing Metro bus stop located on the south side of Riverside Drive, west of Woodman Avenue. The DEIR determined this impact to be significantly and unavoidable given the possibility that Metro and/or LADOT would determine relocation of the bus stop to be infeasible. As contemplated by the DEIR, LADOT subsequently determined the bus stop relocation to be infeasible, and therefore the impacts at Intersection 10: Riverside Drive and Woodman Avenue during the A.M. and P.M. peak periods under Future Plus Project Conditions would remain significant and unavoidable under the Reduced Alternative 5.

Alternative 1, the No Project Alternative, would avoid this significant impact. However, as discussed in Section V., Alternatives, of the Draft EIR, Alternative 1 would not meet the underlying purpose of the project, nor any of the project objectives.

Alternative 2 would eliminate the project-level and cumulative significant and unavoidable impacts to intersection levels of service during operation. However, Alternative 2 would introduce new significant and unavoidable impacts to aesthetics, views, and historic resources. Moreover, Alternative 2 would not meet several of the project objectives.

Alternatives 3 and 4 would not reduce this impact to a less than significant level, and no feasible mitigation measures were identified that would reduce this impact to a less than significant level. Pursuant to Public Resources Code section 21081(a)(3), based on the evidence described below in Section XI, Statement of Overriding Considerations, the City finds that specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report to reduce these impacts to less than significant.

b. Regional Transportation System

Impacts to CMP freeway segments, arterial monitoring stations, and transit would be less than significant without mitigation.

c. Residential Street Segments

Impacts to residential street segments would be less than significant without mitigation.

d. Access and Circulation

Impacts with regard to access and circulation would be less than significant without mitigation.

e. Bicycle, Pedestrian and Vehicular Safety

Access impacts related to bicycle, pedestrian, and vehicular safety would be less than significant without mitigation.

f. Parking

The Reduced Alternative 5 would have no impacts related to parking without mitigation.

(F) Reference

Section IV.I, Transportation/Traffic, of the Draft EIR, as well as the Traffic Study – Memorandum of Understanding for the Project included as Appendix G-1 to the Draft EIR, the Los Angeles Department of Transportation Assessment Letter for the Project included as Appendix G-2 to the Draft EIR, the Traffic Impact Analysis prepared for the Project by Overland Traffic Consultants, Inc. included as Appendix G-3 of the Draft EIR, Section V., Alternatives, of the Draft EIR, Section II.C., Topical Responses, of the Final EIR, and the Supplemental Traffic Analysis and LADOT Assessment Letter included as Appendix FEIR-4 of the Final EIR, and Corrected Draft EIR Appendix G-3, Traffic Impact Analysis, of the Final EIR.

## IX. ALTERNATIVES TO THE PROJECT

In addition to the project, the Draft EIR evaluated a reasonable range of five alternatives to the project. These alternatives are: 1) No Project—Continued Operation of Existing Sunkist Building Alternative; 2) Residential Development in Accordance with Existing Zoning Alternative; 3) Office Use Development in Accordance with the Community Plan Alternative; 4) Residential Use Only Alternative; and 5) Reduced Density and Square Footage Alternative. The Final EIR further considered and evaluated Alternative 5 in order to further reduce potential environmental effects, and incorporated other changes suggested by the community. Alternative 5, as it evolved during the public review process, is referred to in the Final EIR as Reduced Alternative 5.

In accordance with CEQA requirements, the alternatives to the Project include a “No Project” alternative and alternatives capable of eliminating the significant adverse impacts of the project. A general description of these Alternatives is provided below. Refer to Section V, Alternatives, of the Draft EIR, and Section II.C., Topical Responses, of the Final EIR, for a more detailed description of these alternatives and a comparative analysis of the impacts of these alternatives with those of the Project.

### 1. Summary of Findings

Based upon the following analysis, the City finds, pursuant to Public Resources Code Section 21081, that specific economic, legal, social, technological, or other considerations, including considerations identified in Section XI of these findings (Statement of Overriding Considerations), make infeasible Alternatives 1 through 4 identified in the EIR.

### 2. Project Objectives

An important consideration in the analysis of alternatives to the Project is the degree to which such alternatives would achieve the objectives of the Project. As more thoroughly described in Section II, Project Description, of the Draft EIR, the Draft EIR has established specific objectives concerning the Project, which are incorporated by reference herein and discussed further below.

### 3. Project Alternatives Analyzed

#### (A) Alternative 1 – No Project—Continued Operation of Existing Sunkist Building Alternative

Alternative 1, the No Project—Continued Operation of Existing Sunkist Building Alternative, assumes that the Project would not be approved, no new permanent development would occur within the Project Site, and the existing environment would be maintained. Specifically, the existing uses within the Project Site, including the Sunkist Building and surface parking areas, would continue to operate as they do currently. Regular maintenance and upkeep of the existing Sunkist Building, surface parking areas, and landscaping would also continue.

##### (i) Impact Summary

The No Project—Continued Operation of Existing Sunkist Building Alternative would avoid the Project's significant and unavoidable impacts related to on-site noise and vibration (pursuant to the threshold for human annoyance) during construction, off-site vibration (pursuant to the threshold for human annoyance) during construction, and intersection levels of service during operation. In addition, Alternative 1 would avoid the Project's significant and unavoidable cumulative impacts related to: on- and off-site noise during construction; off-site vibration (pursuant to the threshold for human annoyance) during construction; and intersection levels of service during operation. In addition, Alternative 1 would avoid the Project's significant and unavoidable impacts related to operational regional NO<sub>x</sub> emissions under the existing conditions scenario. Impacts associated with the remaining environmental issues would be similar to or less than those of the Project.

##### (ii) Finding

The City finds, pursuant to Public Resources Code Section 21081(a)(3), that specific economic, legal, social, technological, or other considerations, including considerations identified in Section XI of these findings (Statement of Overriding Considerations), make infeasible the No Project Alternative described in the Draft EIR.

##### (iii) Rationale for Findings

Alternative 1 would generally avoid all of the Project's significant and unavoidable impacts. However, Alternative 1 would not meet the Project's underlying purpose, or achieve any of the Project objectives.

No new development would be introduced on the Project Site under Alternative 1 and the existing uses on the Project Site would continue to operate as they do currently. As such, the No Project—Continued Operation of Existing Sunkist Building Alternative would not meet the underlying purpose of the Project or any of the Project objectives. Specifically, Alternative 1 would not achieve the following:

- Integrate new housing opportunities with neighborhood-serving commercial uses, recreational uses and existing office uses;
- Maximize new housing units on the Project Site to help meet the market demand for new housing in the region and in the City of Los Angeles;
- Provide convenient neighborhood-serving commercial uses and open space within walking distance of existing off-site residential uses, proposed on-site residential uses and on- and off-site office uses;
- Develop a mixed-use project at the residential density and intensity consistent with the zones permitted by the Project Site's underlying Community Commercial Community Plan designation; or
- Enhance the Project Site's walkability and public accessibility through the introduction of street-fronting neighborhood-serving commercial uses, and new plazas and walkways that connect with the LA Riverwalk

While Alternative 1 would retain the existing Sunkist Building, Alternative 1 would not include any improvements to the building. Therefore, Alternative 1 would not achieve the Project objective to retain and rehabilitate the existing Sunkist Building to the same extent as the Project.

Additionally, as Alternative 1 would not involve any construction, the following Project objectives would not apply: create an aesthetically attractive, high-quality design that engages the Los Angeles River, and complements the existing Sunkist Building; provide vehicle and bicycle parking that satisfies anticipated demand on the Project Site with direct access to the proposed residential and commercial uses, existing office uses and the LA Riverwalk; and provide a sustainable development consistent with principles of smart growth such as sustainable design features, mixed uses, infill development, and walkability.

Overall, Alternative 1, the No Project—Continued Operation of Existing Sunkist Building Alternative would not meet the Project's underlying purpose to create a high-quality, mixed-use development that provides new housing opportunities that are integrated with neighborhood-serving commercial and recreational uses and would not meet any of the Project's objectives.

(iv) Reference

Section V, Alternatives, of the Draft EIR.

(B) Alternative 2 – Residential Development in Accordance with Existing Zoning Alternative

The Residential Development in Accordance with Existing Zoning Alternative includes the development of the maximum number of residential units that could be developed on the Project Site pursuant to the existing zoning designations within the Project Site. Specifically, Alternative 2 would include the development of 191 multi-family residential units within one six-story, approximately 75-foot high building on the northeastern portion of the Project Site (similar to Building A under the Project) and a small lot subdivision with 36 duplex units located in the P zone of the Project Site, fronting Calhoun Avenue. The 36 duplex units would be provided within four-story structures with a maximum height of 45 feet along the western boundary of the Project Site,

fronting Calhoun Avenue. Alternative 2 would remove the existing Sunkist Building and would construct an additional six-story, approximately 75-foot high residential building within the same general footprint of the existing Sunkist Building. This building would include 216 multi-family residential units. In total, Alternative 2 would include the development of 443 new multi-family residential units. Alternative 2 would eliminate the neighborhood-serving commercial uses proposed as part of the Project. Overall, Alternative 2 would involve the development of approximately 309,150 square feet of new floor area compared to the Project's approximately 359,795 square feet of new floor area.

Parking under Alternative 2 would be provided in two new parking structures to the south and west of the residential building proposed along the northeastern portion of the Project Site, in a surface parking lot south of the additional residential building proposed within the footprint of the existing Sunkist Building, and in two subterranean parking levels below both of the proposed residential buildings. The proposed parking structures would comprise four levels of parking, including two subterranean parking levels and two above-grade levels (with rooftop parking), with a maximum height of 30 feet. The proposed parking structures would be reduced in height compared to the Project's proposed 50-foot parking structure along Hazeltine Avenue and Building B of the Project, which would feature a height of 60.5 feet along Riverside Drive near Calhoun Avenue.

The overall building design under Alternative 2 would be similar to that of the Project in terms of architectural style, fenestration, building materials and colors, and sustainable design. The types of lighting and signage proposed for Alternative 2 would be similar to that proposed for the multi-family residential component of the Project. Furthermore, like the Project, Alternative 2 would provide setbacks along the Project Site boundaries in accordance with LAMC requirements. Also similar to the Project, vehicular and pedestrian access to the Project Site would be provided via Riverside Drive and Hazeltine Avenue and vehicular and bicycle parking would be provided in accordance with LAMC requirements. Like the Project, Alternative 2 would enhance the Project Site with new landscaped open space areas and recreational amenities for residents and guests of residents. Alternative 2 would not provide for common open space areas that would be publicly accessible or include the approximately 28,000-square-foot (0.64-acre) publicly accessible plaza area within the southern portion of the Project Site that would provide for access to the LA Riverwalk as proposed by the Project.

With regard to construction activities and schedule, based on the proposed development under Alternative 2, it is anticipated that the overall duration of construction would be extended compared to the Project. In addition, while the amount of soil export required for Alternative 2 would be anticipated to be similar to that of the Project, the total export, including demolition and soil would be greater than that of the Project due to the removal of the existing Sunkist Building. As with the Project, excavation for Alternative 2 would reach a maximum depth of approximately 23 feet.

(i) Impact Summary

As described in Section V, Alternatives, of the Draft EIR, Alternative 2 would not avoid the Project's significant and unavoidable impacts related to on-site noise and vibration (pursuant to the threshold for human annoyance) during construction and off-site vibration (pursuant to the threshold for human annoyance) during construction. In addition, Alternative 2 would not avoid the Project's significant and unavoidable cumulative impacts related to on- and off-site noise during construction and off-site vibration (pursuant to the threshold for human annoyance) during construction. Furthermore, with the extended construction period of Alternative 2, these noise

and vibration impacts during construction of Alternative 2 would be experienced for a longer duration compared to the Project. In addition, Alternative 2 would not avoid the Project's significant and unavoidable impacts related to operational regional NO<sub>x</sub> emissions under the existing conditions scenario.

As evaluated above, Alternative 2 would eliminate the Project-level and cumulative significant and unavoidable impacts to intersection levels of service during operation. However, Alternative 2 would introduce new significant impacts to aesthetics and views during construction and operation due to the removal of the existing Sunkist Building, which is considered a valued visual resource. Similarly, Alternative 2 would introduce a new significant impact to historical resources due to the removal of the existing Sunkist Building, which is considered a historic resource.

Additionally, operational impacts related to glare would be greater than those of the Project, although such impacts would remain less than significant under Alternative 2. Furthermore, construction-related impacts to air quality would be greater than those of the Project, although such impacts would remain less than significant with mitigation for regional emissions and less than significant for localized emissions, toxic air contaminants, and odors. Alternative 2 would also result in greater impacts associated with off-site toxic air contaminants as Alternative 2 would place residents closer to the nearby freeway. However, such impacts would remain less than significant with mitigation. Alternative 2 would also result in greater impacts to surface water hydrology during construction and operation, surface water quality during construction, groundwater hydrology during operation, and water supply during operation, although such impacts would remain less than significant. Construction-related impacts to police protection and fire protection would also be greater under Alternative 2 compared to the Project due to the extended construction period. In addition, while operational impacts to public services would remain less than significant, such impacts would be greater than those of the Project. Construction-related traffic impacts would also be greater than those of the Project. However, such impacts would remain less than significant with mitigation. All other impacts would be similar to or less under Alternative 2 when compared with the Project.

(ii) Finding

The City finds, pursuant to Public Resources Code Section 21081(a)(3), that specific economic, legal, social, technological, or other considerations, including considerations identified in Section XI of these findings (Statement of Overriding Considerations), make infeasible Alternative 2 described in the Draft EIR.

(iii) Rationale for Finding

Although consistent with the existing zoning, Alternative 2 would not reduce or eliminate the Project's significant and unavoidable impacts pertaining to construction noise and vibration, and would introduce new significant impacts to aesthetics and views during construction and operation, and a new significant impact to historical resources. Moreover, Alternative 2 would not meet several of the Project basic objectives.

As described above, the Residential Development in Accordance with Existing Zoning Alternative would increase the number of residential units compared to the Project and would demolish the existing Sunkist Building. The neighborhood-serving commercial uses proposed by the Project would also be eliminated under Alternative 2. Therefore, based on the uses proposed under Alternative 2, some of the Project objectives would not be met or would not be met to the same extent as the Project. Specifically, without the neighborhood-serving commercial uses proposed

by the Project, and by maintaining the current P and PB zoning, Alternative 2 would not meet the following objectives to the same extent as the Project:

- Integrate new housing opportunities with neighborhood-serving commercial uses, recreational uses and existing office uses;
- Provide convenient neighborhood-serving commercial uses and open space within walking distance of existing off-site residential uses, proposed on-site residential uses and on and off-site office uses;
- Develop a mixed use project at the residential density and intensity consistent with the zones permitted by the Project Site's underlying "Community Commercial" Community Plan designation.
- Enhance the Project Site's walkability and public accessibility through the introduction of street-fronting neighborhood-serving commercial uses, and new plazas and walkways that connect with the LA Riverwalk;

However, Alternative 2 would maximize new housing units on the Project Site to help meet the market demand for new housing in the region and in the City of Los Angeles; provide vehicle and bicycle parking that satisfies anticipated demand on the Project Site with direct access to the proposed uses; provide a sustainable development consistent with principles of smart growth and would be consistent with the existing and therefore obviate the need for a zone change. In addition, as Alternative 2 would remove the Sunkist Building and would not provide for the same landscaping and river adjacent improvements, Alternative 2 would only partially meet the objective to create an aesthetically attractive, high-quality design that engages the Los Angeles River, and complements the existing Sunkist Building. Similarly, Alternative 2 would not achieve the objective to retain and rehabilitate the existing Sunkist Building.

Overall, with the development of only multi-family residential uses and the reduction in open space and recreational amenities, Alternative 2 would partially meet the underlying purpose of the Project to create a high-quality, mixed-use development that provides new housing opportunities that are integrated with neighborhood-serving commercial and recreational uses. In addition, Alternative 2 would not meet or would only partially meet the objectives of the Project.

(iv) Reference

Section V, Alternatives, of the Draft EIR.

(C) Alternative 3 – Office Use Development in Accordance with the Community Plan Alternative

Alternative 3, the Office Use Development in Accordance with the Community Plan Alternative, would involve the development of additional office uses within the Project Site consistent with the use and development intensity contemplated by the Community Commercial land use designation of the Project Site set forth by the Van Nuys–North Sherman Oaks Community Plan (Community Plan). Specifically, Alternative 3 would replace the multi-family residential and neighborhood-serving commercial uses proposed by the Project with approximately 414,000 square feet of new office floor area and surface parking. Similar to the Project, the proposed office uses would be provided in three buildings. Two of the three buildings would be located along Riverside Drive and

one building would be located along Calhoun Avenue. The building proposed along Riverside Drive and Hazeltine Avenue would feature approximately 220,000 square feet of office floor area within five stories and would have a maximum height of 75 feet. The building proposed along Riverside Drive and Calhoun Avenue would include approximately 166,000 square feet of office floor area within four stories and would have a maximum height of 60.5 feet. The building proposed along Calhoun Avenue would provide approximately 28,000 square feet of office floor area within two stories and would have a maximum height of between 23 feet 6 inches and 33 feet 6 inches, similar to the Project. Like the Project, the Sunkist Building would also be retained and rehabilitated as part of Alternative 3. Overall, the Office Use Development in Accordance with the Community Plan Alternative would involve the development of approximately 540,674 square feet of floor area (including the approximately 126,674-square-foot Sunkist Building) compared to the Project's approximately 486,469 square feet of floor area.

Similar to the Project, parking would be provided within a proposed six-level parking structure, including two subterranean levels and four above-grade levels, located east of the Sunkist Building, and within two subterranean levels below both of the proposed office buildings. Alternative 3 would eliminate the two levels of subterranean parking proposed by the Project west of the Sunkist Building. As with the Project, the Office Use Development in Accordance with the Community Plan Alternative would provide vehicular and bicycle parking spaces in accordance with LAMC parking requirements for office uses. Ingress and egress would be via Riverside Drive and Hazeltine Avenue, similar to the Project.

The overall building design of Alternative 3 would also be similar to that of the Project in terms of architectural style, fenestration, building materials and colors, and sustainability. In addition, while the amount of lighting and signage could be reduced under Alternative 3, the types of lighting and signage proposed for Alternative 3 would be similar to that of the Project. Furthermore, like the Project, Alternative 3 would provide setbacks in accordance with LAMC requirements. Alternative 3 would also enhance the Project Site with new landscaped open space areas for employees and guests. However, Alternative 3 would not provide for common open space area that would be publicly accessible or include the approximately 28,000-square-foot (0.64-acre) publicly accessible plaza area within the southern portion of the Project Site that would provide for access to the LA Riverwalk as proposed by the Project because the LAMC does not require office uses to provide common open space.

With regard to construction activities and schedule, based on the proposed development under Alternative 3, it is anticipated that the overall duration of construction would be reduced compared to the Project as Alternative 3 would eliminate the subterranean parking levels proposed by the Project on the western side of the Sunkist Building. Similarly, based on the reduced construction and excavation activities, Alternative 3 would reduce the amount of export compared to the Project. As with the Project, excavation would reach a maximum depth of approximately 23 feet.

Similar to the Project, Alternative 3 would require a Zone Change from PB-1L-RIO and P-1L-RIO to C2-1L-RIO to allow construction of the new parking structure for the Sunkist Building and to allow development of office uses. The proposed C2-1L zone/height district corresponds with the Project Site's Community Commercial land use designation as identified on the Community Plan land use map (unlike the existing PB-1L and P-1L zones). As with the Project, the Alternative 3 floor area ratio would not exceed 1.5:1, the FAR limit under the proposed C2-1L-RIO zone.

(i) Impact Summary

As evaluated above, Alternative 3 would not avoid the Project's significant and unavoidable impacts related to on-site noise and vibration (pursuant to the threshold for human annoyance) during construction and off-site vibration (pursuant to the threshold for human annoyance) during construction. In addition, Alternative 3 would not avoid the Project's significant and unavoidable cumulative impacts related to on- and off-site noise during construction and off-site vibration (pursuant to the threshold for human annoyance) during construction. In addition, Alternative 3 would not avoid the Project's significant and unavoidable impacts related to operational regional NO<sub>x</sub> emissions under the existing conditions scenario. Furthermore, Alternative 3 would result in new impacts to intersection levels of service and would increase impacts to the regional transportation system and residential street segments due to the increased number of trips associated with the office uses. Therefore, Alternative 3 would also not avoid and would actually increase the Project-level and cumulative significant impact related to intersection levels of service during operation. Additionally, operational impacts related to regional emissions, localized off-site emissions, GHG emissions, surface water hydrology, groundwater hydrology, and water supply would be greater than those of the Project, although such impacts would remain less than significant under Alternative 3. All other impacts would be similar to or less under Alternative 3 when compared with the Project.

(ii) Finding

The City finds, pursuant to Public Resources Code Section 21081(a)(3), that specific economic, legal, social, technological, or other considerations, including considerations identified in Section XI of these findings (Statement of Overriding Considerations), make infeasible Alternative 3 as described in the Draft EIR.

(iii) Rationale for Findings

Alternative 3 not would avoid the Project's significant and unavoidable Project-level impacts regarding on-site noise and vibration (pursuant to the threshold for human annoyance) during construction and off-site vibration (pursuant to the threshold for human annoyance) during construction and cumulative impacts regarding on- and off-site noise during construction and off-site vibration (pursuant to the threshold for human annoyance) during construction, and would increase the Project-level and cumulative significant impact related to intersection LOS during operation. In addition, Alternative 3 would not meet the Project objectives to the same extent as the Project.

Alternative 3 provides an alternative land use for the Project Site in which development would be consistent with the Community Plan land use designation of the Project Site. However, as with the Project, Alternative 3 would include retaining and rehabilitation of the Sunkist Building. As the Office Use Development in Accordance with the Community Plan Alternative would not provide for the same mix of uses proposed for the Project, Alternative 3 would not achieve the Project's underlying purpose to create a high-quality, mixed-use development that provides new housing opportunities that are integrated with neighborhood-serving commercial and recreational uses. Also, Alternative 3 would not achieve or would not achieve to the same extent as the Project some of the Project objectives. Specifically, by replacing the proposed multi-family residential and neighborhood-serving commercial uses with additional office uses, and by not providing any publicly accessible open space or LA River frontage improvements, Alternative 3 would not achieve the following objectives:

- Integrate new housing opportunities with neighborhood-serving commercial uses, recreational uses and existing office uses;

- Maximize new housing units on the Project Site to help meet the market demand for new housing in the region and in the City of Los Angeles;
- Provide convenient neighborhood-serving commercial uses and open space within walking distance of existing off-site residential uses, proposed on-site residential uses and on and off-site office uses;
- Develop a mixed use project at the residential density and intensity consistent with the zones permitted by the Project Site's underlying "Community Commercial" Community Plan designation; and
- Enhance the Project Site's walkability and public accessibility through the introduction of street-fronting neighborhood-serving commercial uses, and new plazas and walkways that connect with the LA Riverwalk.

However, Alternative 3 would create a project that complements the existing Sunkist office building by creating an office complex at the Site. Alternative 3 would also provide a sustainable development consistent with principles of smart growth such as sustainable design features, mixed uses, infill development, and walkability. In addition, Alternative 3 would provide vehicle and bicycle parking that satisfies anticipated demand on the Project Site. Finally, Alternative 3 would also meet the objective to retain and rehabilitate the existing Sunkist Building similar to the Project.

Overall, Alternative 3 would not achieve the Project's underlying purpose to create a high-quality, mixed-use development that provides new housing opportunities that are integrated with neighborhood-serving commercial and recreational uses and would only meet some of the Project objectives.

(iv) Reference

Section V, Alternatives, of the Draft EIR.

(D) Alternative 4 – Residential Use Only Alternative

Alternative 4, the Residential Use Only Alternative, would include the development of 403 multi-family residential units. The neighborhood-serving commercial uses proposed by the Project would not be provided under Alternative 4. Similar to the Project, the proposed multi-family residential uses would be provided in three new buildings. Two of the three multi-family residential buildings would be located along the northern portion of the Project Site, along Riverside Drive, similar to Building A and Building B under the Project. The third building proposed under Alternative 4 would be located along the western portion of the Project Site, along Calhoun Avenue, similar to Building C under the Project. Also similar to the Project, Alternative 4 would retain and rehabilitate the existing Sunkist Building. Overall, the Residential Use Only Alternative would involve the development of approximately 527,799 square feet of floor area (including the approximately 126,674-square-foot Sunkist Building) compared to the Project's approximately 486,469 square feet of floor area.

The two multi-family residential buildings proposed along Riverside Drive would be six stories and would feature a maximum height of approximately 75 feet compared to the Project's height of 74.5 feet for Building A located within the northeast portion of the Project Site and four stories and 60.5 feet for Building B located within the northwest portion of the Project Site. As with the Project,

the multi-family residential building proposed along Calhoun Avenue would range from two to four stories with a maximum height of approximately 59 feet. Similar to the Project, this building would be stepped down to two stories along Calhoun Avenue to provide a transitional buffer from the single-family residences west of the Project Site with the height of the building reduced to between 23 feet 6 inches and 33 feet 6 inches along Calhoun Avenue. Like the Project, it is anticipated that Alternative 4 would include various amenities throughout the Project Site to serve residents and guests, including a lobby, lounge, fitness center, recreation room, swimming pool and spa, and bicycle storage areas. Alternative 4 would also include landscaped courtyards at grade level within the buildings proposed along the northern portion of the Project Site. However, unlike the Project, Alternative 4 would not provide any publicly accessible open space or LA River frontage improvements.

Similar to the Project, parking for the Residential Use Only Alternative would be provided within a proposed six-level parking structure located east of the Sunkist Building that would include four above-grade levels and two subterranean levels and within two subterranean levels below the three proposed buildings. As with the Project, Alternative 4 would provide vehicular and bicycle parking spaces in accordance with LAMC parking requirements for residential uses. Ingress and egress would be via Riverside Drive and Hazeltine Avenue, similar to the Project.

The overall building layout and design of the Residential Use Only Alternative would be similar to that of the Project in terms of architectural style, fenestration, building materials and colors, and sustainability. In addition, with the elimination of the neighborhood-serving commercial uses under Alternative 4, the amount of lighting and signage would be reduced. Furthermore, like the Project, Alternative 4 would provide setbacks in accordance with LAMC requirements. However, Alternative 4 would not provide for common open space area that would be publicly accessible or include the approximately 28,000-square-foot (0.64-acre) publicly accessible plaza area within the southern portion of the Project Site that would provide for access to the LA Riverwalk as proposed by the Project.

With regard to construction activities and schedule, it is anticipated that the overall duration of construction under Alternative 4 would be similar to the Project given that the footprint of the proposed structures would be similar to that of the Project. Based on the similar amount of construction and excavation activities, Alternative 4 would require a similar amount of export as the Project. Also, as with the Project, excavation would reach a maximum depth of approximately 23 feet.

Similar to the Project, the Residential Use Only Alternative would require a Zone Change from PB-1L-RIO to C2-1L-RIO to allow construction of the new parking structure for the Sunkist Building. Alternative 4 would also require a Zone Change from P-1L-RIO and PB-1L-RIO to C2-1L-RIO to allow development of the residential uses at the proposed density. In addition, Alternative 4 would require a Vesting Tract Map to subdivide the residential portion of the Project from the office building and parking structure and to create airspace lots, and Site Plan Review, as well as any other discretionary and ministerial permits and approvals that may be deemed necessary. The floor area ratio would be below the permitted FAR of 1.5:1 for Alternative 4 under the proposed C2-1L-RIO zone across the entire Project Site.

#### (i) Impact Summary

As analyzed in Section V, Alternatives, of the Draft EIR, Alternative 4 would not avoid the Project's significant and unavoidable impacts related to on-site noise and vibration (pursuant to the threshold for human annoyance) during construction and off-site vibration (pursuant to the

threshold for human annoyance) during construction. In addition, Alternative 4 would not avoid the Project's significant and unavoidable cumulative impacts related to on- and off-site noise during construction and off-site vibration (pursuant to the threshold for human annoyance) during construction. In addition, Alternative 4 would not avoid the Project's significant and unavoidable impacts related to operational regional NO<sub>x</sub> emissions under the existing conditions scenario. Furthermore, while Alternative 4 would reduce the Project's impacts to intersection levels of service, such impacts would remain significant and unavoidable. Additionally, operational impacts related to off-site toxic air contaminants would be greater than those of the Project as would impacts to public services and water supply with the increase in the number of multi-family residential units. All other impacts would be similar or less under Alternative 4 when compared with the Project.

(ii) Finding

The City finds, pursuant to Public Resources Code Section 21081(a)(3), that specific economic, legal, social, technological, or other considerations, including considerations identified in Section XI of these findings (Statement of Overriding Considerations), make infeasible Alternative 4 as described in the Draft EIR.

(iii) Rationale for Findings

Alternative 4 would not avoid any of the Project's significant and unavoidable impacts. Moreover, Alternative 4 would only partially meet some of the objectives of the Project and would not meet certain Project objectives to the same extent as the Project. The Residential Use Only Alternative includes the development of new multi-family residential uses within three new buildings, similar to the Project.

However, the neighborhood-serving commercial uses proposed by the Project would be eliminated under Alternative 4 while increasing the number of multi-family residential units within the Project Site compared to the Project. Alternative 4 would retain and rehabilitate the Sunkist Building similar to the Project. Alternative 4 would not provide any publicly accessible open space or LA River frontage improvements. Therefore, based on the uses proposed under Alternative 4, some of the Project objectives would not be met or would not be met to the same extent as the Project. Specifically, without the neighborhood-serving commercial uses proposed by the Project, Alternative 4 would not meet the following objectives to the same extent as the Project:

- Integrate new housing opportunities with neighborhood-serving commercial uses, recreational uses and existing office uses;
- Provide convenient neighborhood-serving commercial uses and open space within walking distance of existing off-site residential uses, proposed on-site residential uses and on and off-site office uses;
- Develop a mixed use project at the residential density and intensity consistent with the zones permitted by the Project Site's underlying "Community Commercial" Community Plan designation.
- Enhance the Project Site's walkability and public accessibility through the introduction of street-fronting neighborhood-serving commercial uses, and new plazas and walkways that connect with the LA Riverwalk;

However, Alternative 4 would maximize new housing units on the Project Site to help meet the market demand for new housing in the region and in the City of Los Angeles; provide vehicle and bicycle parking that satisfies anticipated demand on the Project Site with direct access to the proposed uses; and provide a sustainable development consistent with principles of smart growth. In addition, Alternative 4 would meet the objective to create an aesthetically attractive, high-quality design that complements the existing Sunkist Building. Similarly, Alternative 4 would achieve the objective to retain and rehabilitate the existing Sunkist Building.

Overall, Alternative 4 would partially meet the underlying purpose of the Project to create a high-quality, mixed-use development that provides new housing opportunities that are integrated with neighborhood-serving commercial and recreational uses and would only partially meet some of the objectives of the Project.

(iv) Reference

Section V, Alternatives, of the Draft EIR.

(E) Alternative 5 – Reduced Density and Square Footage Alternative

Alternative 5, the Reduced Density and Square Footage Alternative, as presented in the Draft EIR, proposes a reduction in the number of residential units and commercial area compared to the Project. Specifically, the number of multi-family residential units would be reduced from 298 units to 278 units and the proposed neighborhood-serving commercial uses would be reduced from approximately 39,241 square feet to 27,414 square feet. In total, Alternative 5 involves the development of approximately 424,775 square feet of floor area (including the approximately 126,674-square-foot Sunkist Building) compared to the Project's approximately 486,469 square feet of floor area. With the reduction in the floor area, the FAR for the Project Site under Alternative 5 was reduced from 1.5:1 to 1.24:1.

The multi-family residential and neighborhood-serving commercial uses proposed under Alternative 5 would be provided within three new buildings, similar to the Project. The heights of the buildings would be similar to the buildings of the Project (60.5 feet to 74.5 feet). Parking and access for Alternative 5 would be similar to the Project. In addition, Alternative 5 includes the approximately 28,000-square-foot (0.64-acre) publicly accessible plaza area within the southern portion of the Project Site that would provide for access to the LA Riverwalk, as proposed by the Project, as well as an additional public plaza just west of the building proposed along the northeast portion of the Project Site.

As previously discussed, in response to comments on the Draft EIR and input from the community, Alternative 5 is further considered and evaluated in the Final EIR (i.e., Reduced Alternative 5) in order to further reduce potential environmental effects, and to address many of the comments received on the Draft EIR.

Based on comments received on the Draft EIR, Reduced Alternative 5 further reduces the number of multi-family residential units proposed by Alternative 5 from 278 units to 249 units. While the neighborhood-serving commercial area is increased slightly from 27,414 square feet to 27,470 square feet, this continues to be a reduction from the Project's proposed commercial area of 39,241 square feet. In total, the Reduced Alternative 5 would involve the development of up to 287,924 square feet of new floor area (not including the 126,674-square-foot Sunkist Building to remain), as compared to 298,101 square feet of new floor area under Alternative 5, and a total floor area of 414,598 square feet when including the Sunkist Building.

(i) Impact Summary

As evaluated in Section II.C., Topical Responses, of the Final EIR, Reduced Alternative 5 would not avoid the Project's significant and unavoidable impacts related to on-site noise and vibration (pursuant to the threshold for human annoyance) during construction and off-site vibration (pursuant to the threshold for human annoyance) during construction. In addition, Reduced Alternative 5 would not avoid the Project's significant and unavoidable cumulative impacts related to on- and off-site noise during construction and off-site vibration (pursuant to the threshold for human annoyance) during construction. In addition, Reduced Alternative 5 would not avoid the Project's significant and unavoidable regional operational NO<sub>x</sub> emissions impact under the existing conditions scenario. Reduced Alternative 5 would reduce the Project's impacts to intersection levels of service, including by eliminating the significant and unavoidable impact at Intersection 6: Hazeltine Avenue and Riverside Drive (during the A.M. peak period under Future Plus Project Conditions). However, as disclosed in the DEIR, intersection level of service impacts would remain significant and unavoidable at Intersection 10: Riverside Drive and Woodman Avenue (under Existing Plus Project and Future Plus Project Conditions). All other impacts would be similar or less under Reduced Alternative 5 when compared with the Project.

(ii) Finding

Reduced Alternative 5 is recognized as the Environmentally Superior Alternative, in that it would reduce the Project's impacts to intersection levels of service, including eliminating one significant and unavoidable impact, and all other impacts would be similar or less under Reduced Alternative 5 when compared with the Project. In addition, Reduced Alternative 5 would generally meet the Project objectives. Therefore, the City finds that Reduced Alternative 5 would be feasible and hereby adopts Reduced Alternative 5 as the preferred project.

(iii) Rationale for Findings

Reduced Alternative 5 includes the development of new multi-family residential and neighborhood-serving commercial uses within two new buildings, rather than three new buildings as proposed for the Project. Such uses would be reduced in density, massing and intensity compared to the Project. Reduced Alternative 5 would also retain and rehabilitate the Sunkist Building similar to the Project. As Reduced Alternative 5 would develop the Project Site similar to the Project, many of the Project objectives would be achieved to the same extent as the Project under Reduced Alternative 5. Specifically, Reduced Alternative 5 would integrate new housing opportunities with neighborhood-serving commercial uses, recreational uses, and existing office uses, similar to the Project. In addition, Reduced Alternative 5 would provide convenient neighborhood-serving commercial uses and open space within walking distance of existing off-site residential uses, proposed on-site residential uses, and on and off-site office uses. Reduced Alternative 5 would also develop a mixed use project at the residential density and intensity consistent with the zones permitted by the Project Site's underlying "Community Commercial" Community Plan designation. Furthermore, as with the Project, Reduced Alternative 5 would enhance the Project Site's walkability and public accessibility through the introduction of street-fronting neighborhood-serving commercial uses, and new plazas and walkways that connect with the LA Riverwalk including a publicly accessible parkway along Hazeltine Avenue that connects the northeast corner of the site (Hazeltine Avenue and Riverside Drive) with the River Greenway at the southeast corner of the Site (Hazeltine Avenue and the LA River).

Additionally, Reduced Alternative 5 would maximize new housing units on the Project Site to help meet the market demand for new housing in the region and in the City of Los Angeles. Reduced

Alternative 5 would also provide vehicle and bicycle parking that satisfies anticipated demand on the Project Site with direct access to the proposed uses and provide a sustainable development consistent with principles of smart growth. In addition, Reduced Alternative 5 would meet the objective to create an aesthetically attractive, high-quality design that engages the Los Angeles River and complements the existing Sunkist Building. Similarly, Reduced Alternative 5 would achieve the objective to retain and rehabilitate the existing Sunkist Building. Moreover, Reduced Alternative 5 would create enhanced view corridors of the Sunkist Building along Hazeltine Avenue by relocating the above grade office parking structure to Calhoun Avenue along the western portion of the Site. This further reduces impacts to the historic Sunkist office building.

Overall, Reduced Alternative 5 would meet the underlying purpose of the Project to create a high-quality, mixed-use development that provides new housing opportunities that are integrated with neighborhood-serving commercial and recreational uses and the objectives of the Project, similar to the Project.

(iv) Reference

Section V, Alternatives, of the Draft EIR, and Section II.C., Topical Responses, of the Final EIR.

4. Project Alternatives Considered and Rejected

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

(A) Alternatives to Eliminate Significant Noise and Vibration Impacts During Construction

Alternatives were considered to eliminate the significant short-term Project-level and cumulative construction noise impacts. As discussed in Section IV.G, Noise, of the Draft EIR, significant noise and vibration impacts would occur during Project construction for limited durations from the operation of construction equipment and haul trucks. Based on the thresholds upon which the construction noise and vibration analysis is based, a substantial reduction in the intensity of construction activities would be necessary to reduce construction-related impacts to a less-than-significant level. In addition, significant construction noise and vibration impacts within the Project Site would be expected to occur with any reduced development scenario because construction activities, and the need to grade and excavate the Project Site, are inherently disturbing. Also, the Project Site is an infill site with existing uses on the north, east, and west property lines. Thus, reducing temporary construction noise and vibration impacts below a level of significance at adjacent uses would be impossible. Furthermore, any reduction in the intensity of construction activities would actually increase the overall duration of the construction period. Therefore, alternatives to eliminate the Project's short-term noise and vibration impacts during construction were rejected as infeasible.

(B) Alternative Project Site

The results of a search to find an alternative site on which the Project could be built determined that suitable similar locations are not available to meet the underlying purpose and objectives of the Project to create a high-quality, mixed-use development that provides new housing opportunities that are integrated with neighborhood-serving commercial and publicly accessible recreational uses and in proximity to the Los Angeles River. Further, the objectives of the Project are closely tied with the existing Sunkist Building and the future plans for the LA Riverwalk as proposed through the Los Angeles River Revitalization Plan. It is not expected that the Project Applicant can reasonably acquire, control, or have access to an alternative site of similar size that is located within proximity to the same community resources and with access to the Los Angeles River. Furthermore, the majority of the Project's significant impacts are related to construction activities. As such, if there were a suitable alternative site available to accommodate the Project, it is probable that the Project's significant impacts would simply be transferred to another location.

Based on the above, an alternative site is not considered feasible as it is not expected that the Project Applicant can reasonably acquire, control or have access to a suitable alternative site that would provide for the uses and square footage proposed by the Project. In addition, a suitable alternative site would not be likely to avoid the significant impacts of the Project. Thus, in accordance with Section 15126.6(f) of the State CEQA Guidelines, this alternative was rejected from further consideration.

#### 5. Environmentally Superior Alternative

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

As previously stated, implementation of the Project would result in significant and unavoidable impacts with regard to: on-site noise and vibration (pursuant to the threshold for human annoyance) during construction; off-site vibration (pursuant to the threshold for human annoyance) during construction; and intersection levels of service during operation. In addition, implementation of the Project would result in significant and unavoidable cumulative impacts related to: on- and off-site noise during construction; off-site vibration (pursuant to the threshold for human annoyance) during construction; and intersection levels of service during operation. In addition, the Project would result in significant and unavoidable regional operational NO<sub>x</sub> emissions impact under the existing conditions scenario.

Of the alternatives analyzed in the Draft EIR, Alternative 1, the No Project—Continued Operation of Existing Sunkist Building Alternative, would avoid all of the significant and unavoidable impacts of the Project. Alternative 1 would also reduce all of the Project's less-than-significant impacts. However, Alternative 1 would not meet the Project's underlying purpose to create a high-quality, mixed-use development that provides new housing opportunities that are integrated with neighborhood-serving commercial and recreational uses or any of the Project objectives.

As stated above, the CEQA Guidelines require the identification of an Environmentally Superior Alternative other than a No Project Alternative. In accordance with the CEQA Guidelines, a comparative evaluation of the remaining alternatives indicates that Reduced Alternative 5 would

reduce the greatest number of Project impacts. On this basis, Reduced Alternative 5 is considered the Environmentally Superior Alternative. As discussed above, Reduced Alternative 5 would meet the underlying purpose of the Project to create a high-quality, mixed-use development that provides new housing opportunities that are integrated with neighborhood-serving commercial and recreational uses and would therefore fully or partially meet the objectives of the Project.

## X. OTHER CEQA CONSIDERATIONS

### (A) CEQA Guidelines Appendix F Analysis

#### (i) Energy Demand

##### a. Construction

During construction of the Reduced Alternative 5, energy would be consumed in three general forms: (1) electricity associated with the conveyance of water that would be used during Project construction for dust control (supply and conveyance) and electricity associated with providing temporary power for lighting and electronic equipment inside temporary construction trailers; and (2) petroleum-based fuels used to power off-road construction vehicles and equipment on the Project Site, construction worker travel to and from the Project Site, as well as delivery and haul truck trips (e.g., hauling of demolition material to off-site reuse and disposal facilities). As shown in Table VI-I, of the Draft EIR, a total of 1,341 kilowatt-hours (kWh) of electricity, approximately 29,163 gallons of gasoline, and 141,702 gallons of diesel fuel would be consumed during Project construction; due to the reduced density and intensity of development, these amounts would be reduced pursuant to construction of the Reduced Alternative 5.

##### i. Electricity

As described above, electricity would be consumed during the conveyance of the water used during construction activities that require the use of water to control fugitive dust. As shown in Table VI-I, of the Draft EIR, approximately 1,341 kWh of electricity would be consumed during Project construction, and due to the reduced density and intensity of development electricity consumption during construction of the Reduced Alternative 5 would be reduced. Furthermore, electricity used to provide temporary power for lighting electronic equipment inside temporary construction trailers and for lighting for general construction activity would be minimal. This electricity would be supplied to the Project Site by LADWP and would be obtained from the existing electrical lines that connect to the Project Site. Electricity consumed during construction would be temporary and would cease upon the completion of construction, as well as vary depending on site-specific operations and the amount of construction occurring at any given time. Overall, construction activities associated with the Reduced Alternative 5 would require limited electricity generation that would not be expected to have an adverse impact on available electricity supplies.

Construction of the Reduced Alternative 5's electrical infrastructure would occur entirely within the Project Site with the possible need for off-site connections to the electrical system adjacent to the Project Site. Where feasible, the new electrical service installations and connections would be scheduled and implemented in a manner that would not result in electrical service interruptions to other properties. As such, construction of the electrical infrastructure is not anticipated to adversely affect the electrical infrastructure serving the Project Site and surrounding uses.

## ii. Natural Gas

Construction of the Reduced Alternative 5 typically would not involve the consumption of natural gas and natural gas would not be supplied to support construction activities. Thus, there would be no demand for natural gas generated by construction of the Reduced Alternative 5. The Reduced Alternative 5 would, however, involve installation of new natural gas connections to serve the Project Site. Since the Project Site is located in an area already served by existing natural gas infrastructure, the Reduced Alternative 5 would likely not require extensive infrastructure improvements to serve the Project Site. Construction impacts associated with the installation of natural gas connections are expected to be confined to trenching in order to place the lines below surface. Adequate and safe vehicular and pedestrian access within the Project Site and immediately surrounding the Project Site would also be maintained in accordance with the Construction Traffic Management Plan to be implemented for the Reduced Alternative 5. In addition, prior to ground disturbance, contractors would notify and coordinate with SoCalGas to identify the locations and depth of all existing gas lines and avoid disruption of gas service. Therefore, construction-related impacts to natural gas supply and infrastructure would be less than significant.

## iii. Petroleum-Based Fuels

The petroleum-based fuel use summary provided in Table VI-I, of the Draft EIR, represents the highest amount of energy that would be consumed during Project construction. While construction activities would consume petroleum-based fuels, consumption of such resources would be temporary and would cease upon the completion of construction. In addition, construction activities would be subject to regulatory requirements designed to reduce the consumption of energy resources, such as those presented in Section IV.B, Air Quality, of the Draft EIR. Specifically, Section 2485 in Title 13 of the California Code of Regulations would require idling of all diesel-fueled commercial vehicles weighing over 10,000 pounds during construction to be limited to five minutes at any location. Compliance with this provision would reduce the Reduced Alternative 5's reliance on petroleum-based fuels during construction activities and the Reduced Alternative 5's consumption of petroleum-based fuels would not have an adverse impact on available supplies. The Reduced Alternative 5's compliance with these regulations would reduce the number of trips and fuel required to transport construction debris and in turn would reduce the wasteful, inefficient, and unnecessary consumption of energy.

Therefore, on-site construction activities would not result in the inefficient use of energy resources, create energy utility system capacity problems, create problems with the provision of energy services, or result in a significant impact associated with the construction of new or expanded energy facilities. As such, impacts would be less than significant.

## b. Operation

During operation of the Project, energy would be consumed for multiple purposes including, but not limited to heating/ventilating/air conditioning (HVAC), refrigeration, lighting, electronics, and commercial machinery. Energy would also be consumed during Project operations related to water usage, and vehicle trips. Annual energy use has been calculated for buildout of the Project and is shown in Table VI-2, of the Draft EIR. As shown in Table VI-2, of the Draft EIR, the Project is expected to consume approximately 5,688,144 kWh of electricity, 308,988 cubic feet of natural gas per month, 517,758 gallons of gasoline per year, and 88,415 gallons of diesel fuel.

As discussed above, Reduced Alternative 5 would reduce density and intensity compared to the Project, and therefore electricity, natural gas, gasoline, and diesel fuel consumption are would also be reduced compared to the Project.

i. Electricity

Electricity transmission to the Project Site is provided and maintained by LADWP through a network of utility poles and underground utility lines. As shown in Table VI-2, of the Draft EIR, with buildout of the Project, the on-site net electricity demand would be approximately 5,688,144 kWh of electricity per year. With regard to supply, LADWP forecasts that its total energy sales in the 2017–2018 fiscal year will be 22,823 gigawatt-hours (GWh) of electricity.<sup>67</sup> Therefore, the Project's net electricity demand would represent approximately 0.02 percent of LADWP's projected sales for the Project's build-out year. As such, LADWP would have adequate supplies to serve the Project's electricity demand. Thus, impacts with regard to electrical supply and infrastructure capacity would be less than significant and no mitigation measures would be required.

As discussed above, Reduced Alternative 5 would reduce density and intensity compared to the Project, and therefore net electricity demand would also be reduced compared to the Project, and impacts with regard to electrical supply and infrastructure capacity would similarly be less than significant and no mitigation measures would be required.

ii. Natural Gas

Natural gas service is provided to the Project Site by the Southern California Gas Company (SoCalGas). As shown in Table VI-2, of the Draft EIR, with buildout of the Project, the Project is estimated to consume approximately 308,988 net cubic feet per month (cf/month) or approximately 10,152 net cubic feet per day of natural gas. SoCalGas has confirmed that the Project's natural gas demand can be served by the facilities in the Project area.<sup>8</sup> The annual natural gas supply within SoCalGas's service area is estimated to be approximately 2,690 million cubic feet per day (mmcf/day) in 2018.<sup>9</sup> Therefore, the Project's natural gas net demand would represent approximately 0.011 percent of SoCalGas's forecasted natural gas supply for the Project build-out year. Impacts with regard to natural gas supply and infrastructure capacity would be less than significant and no mitigation measures would be required.

As discussed above, Reduced Alternative 5 would reduce density and intensity compared to the Project, and therefore net natural gas demand would also be reduced compared to the Project, and impacts with regard to natural gas supply and infrastructure capacity would similarly be less than significant and no mitigation measures would be required.

iii. Transportation

The Project studied in the Draft EIR would consume approximately 88,415 gallons of diesel and 517,758 gallons of gasoline per year, or a total of 606,174 gallons of petroleum-based fuels per year. The Project would result in the consumption of fuel related to vehicular travel to and from

<sup>6</sup> LADWP defines its future electricity supplies in terms of sales that will be realized at the meter.

<sup>7</sup> LADWP, 2015 Power Integrated Resource Plan, Appendix A, Table A-1.

<sup>8</sup> Southern California Gas Company, Will Serve Letter Request for 14130 Riverside Dr., Sherman Oaks, Sunkist Site, Parcel Map #72664, February 5, 2014. See Appendix A of the Draft EIR.

<sup>9</sup> California Gas and Electric Utilities, 2014 California Gas Report, p. 93.

the Project Site. However, the Project includes features that would reduce VMT, primarily through close proximity to public transit opportunities. As shown in Table VI-2, of the Draft EIR, these measures would reduce gasoline and diesel usage to by approximately 22 percent per year.

As discussed above, Reduced Alternative 5 would reduce density and intensity compared to the Project, and therefore would further reduce gasoline and diesel usage compared to the Project.

### c. Alternatives

As discussed in Section V, Alternatives, there were five alternatives analyzed for the Project, including No Project–Continued Operation of Existing Sunkist Building Alternative, Residential Development in Accordance with Existing Zoning Alternative, Office Use Development in Accordance with the Community Plan Alternative, Residential Use Only Alternative, and Reduced Density and Square Footage Alternative. Ultimately, Alternatives 1 through 4 would not meet the underlying purpose of the Project as none of such alternatives would meet the Project’s objectives to the same extent as the Project.

The No Project–Continued Operation of Existing Sunkist Building Alternative, Residential Use Only Alternative, and Reduced Density and Square Footage Alternative, would either result in no new construction or would reduce construction and scale of operations, compared to the Project, and thus energy consumption related to construction and operation (including transportation during operation). The Office Use Development in Accordance with the Community Plan Alternative would have a similar construction intensity on a daily basis, compared to the Project, and thus similar or reduced energy consumption related to construction. However, the scale of operations, including transportation during operation, would increase compared to the Project. Therefore, more energy consumption related to operations would occur with this Alternative. The Residential Development in Accordance with Existing Zoning Alternative would increase both the construction intensity and scale of operation and therefore would result in more energy consumption during both construction and operation as compared to the Project.

#### (ii) Energy Conservation

The Reduced Alternative 5 would be designed to comply with all applicable state and local codes, including the City’s Green Building Code and the California Green Building Code. Design features that could be implemented would include, but not be limited to, use of efficient lighting technology; energy efficient heating, ventilation and cooling equipment; and Energy Star rated products and appliances. In addition, the Reduced Alternative 5 would incorporate a variety of water conservation features that would also promote energy conservation.

Overall, the Reduced Alternative 5 would be designed and constructed in accordance with state and local green building standards that would serve to reduce the energy demand of the Project. Based on the above discussion, the Project’s energy demand would be within the existing and planned electricity and natural gas capacities of LADWP and SoCalGas, respectively and construction and operational trips, which use petroleum-based fuel, would be minimized due to various regulations and project design features. Therefore, development of the Reduced Alternative 5 would not cause wasteful, inefficient, and unnecessary consumption of energy and would be consistent with the intent of Appendix F of the CEQA Guidelines.

#### (B) Growth Inducing Impacts

Section 15126.2(d) of the CEQA Guidelines requires that growth-inducing impacts of a project be considered in a Draft EIR. Growth-inducing impacts are characteristics of a project that could directly or indirectly foster economic or population growth or the construction of additional housing, either directly or indirectly, in the surrounding environment. According to the CEQA Guidelines, such projects include those that would remove obstacles to population growth (e.g., a major expansion of a waste water treatment plant that, for example, may allow for more construction in service areas). In addition, as set forth in the CEQA Guidelines, increases in the population may tax existing community service facilities, thus requiring construction of new facilities that could cause significant environmental effects. The CEQA Guidelines also require a discussion of the characteristics of projects which may encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively. Finally, the CEQA Guidelines also state that it must not be assumed that growth in an area is necessarily beneficial, detrimental, or of little significance to the environment. Growth can be induced or fostered as follows:

- Direct growth associated with a project;
- Indirect growth created by either the demand not satisfied by a project or the creation of surplus infrastructure not utilized by a project.

(i) Population

The Project proposes to develop a mixed-use Project consisting primarily of 298 new multi-family residential units and approximately 39,241 square feet of neighborhood-serving commercial uses, including up to 7,241 square feet of restaurant uses. Such Project's new residential units would introduce an estimated residential population of 894 persons conservatively based on a household size of three persons contained in the *L.A. CEQA Thresholds Guide*. According to SCAG's 2012-2035 Regional Transportation Plan/Sustainable Communities Strategy (2012-2035 RTP/SCS), the forecasted population for the City of Los Angeles Subregion in 2014 is approximately 3,956,891 persons.<sup>10</sup> In 2018, the projected occupancy year of the Project as specified in the Draft EIR, the City of Los Angeles Subregion is anticipated to have a population of approximately 4,035,751 persons.<sup>11</sup> Thus, the 894 net new residents generated by the Project would represent approximately 1.1 percent of the population growth forecasted by SCAG in the City of Los Angeles Subregion between 2014 and 2018.<sup>12</sup> Therefore, the Project's residents would be well within SCAG's population projection for the Subregion.

As discussed above, the Reduced Alternative 5 would develop fewer new multi-family residential units and would therefore result in fewer net new residents. Accordingly, the residents under Reduced Alternative 5 would also be well within SCAG's population projection for the Subregion.

(ii) Employment

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<sup>10</sup> Based on a linear interpolation of 2010–2015 data.

<sup>11</sup> Based on a linear interpolation of 2015–2020 data.

<sup>12</sup> Percentage of population growth was incorrectly stated in the Initial Study. This reflects the correct percentage.

In addition to the residential population generated by the Reduced Alternative 5, the Reduced Alternative 5 would have the potential to generate indirect population growth in the Site vicinity as a result of the employment opportunities generated by the Reduced Alternative 5.

During construction, the Reduced Alternative 5 would create temporary construction-related jobs. However, construction workers would not be expected to relocate their households' places of residence as a direct consequence of working on the project as the work requirements of most construction projects are highly specialized so that construction workers remain at a job site only for the time in which their specific skills are needed to complete a particular phase of the construction process. Therefore, given the availability of construction workers, the Reduced Alternative 5 would not be considered growth inducing from a short-term employment perspective, but rather the Reduced Alternative 5 would provide a public benefit by providing new employment opportunities during the construction period.

With regard to employment during operation, the Project's 39,241 square feet of neighborhood-serving retail and restaurant uses would generate approximately 106 employees, based on employee generation rates promulgated by the Los Angeles Unified School District (LAUSD).<sup>13</sup> As discussed above, Reduced Alternative 5 would reduce the amount of neighborhood-serving commercial uses and would therefore generate fewer employees. These employment opportunities would include a range of full-time and part-time positions that are typically filled by persons already residing in the vicinity of the workplace, and who generally do not relocate their households due to such employment opportunities. Therefore, given that some of the employment opportunities generated by the Reduced Alternative 5 would be filled by people already residing in the vicinity of the Project Site, the potential growth associated with employees who may relocate their place of residence would not be substantial. As such, the retail component of the Reduced Alternative 5 would be unlikely to create an indirect demand for additional housing or households in the area.

### (iii) Utility Infrastructure Improvements

The area surrounding the Project Site is currently developed with residential and commercial uses, and the Reduced Alternative 5 would not remove impediments to growth. While the Reduced Alternative 5 may require local infrastructure upgrades to maintain and improve water, sewer, electricity, and natural gas lines on-site and in the immediate vicinity of the Project Site, such improvements would be intended primarily to meet project-related demand, and would not necessitate regional utility infrastructure improvements that have not otherwise been accounted for and planned for on a regional level.

### (iv) Conclusion

Overall, the Reduced Alternative 5 would be consistent with the growth forecast for the City of Los Angeles Subregion and would be consistent with regional policies to reduce urban sprawl, efficiently utilize existing infrastructure, reduce regional congestion, and improve air quality through the reduction of vehicle miles traveled. In addition, the Reduced Alternative 5 would not require any major roadway improvements, all roadway improvements planned for the Reduced Alternative 5 or as mitigation are intended to provide for better circulation flows within the Project Site and the immediate vicinity, and the Reduced Alternative 5 would not open any large

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<sup>13</sup> Los Angeles Unified School District, 2012 Developer Fee Justification Study, February 9, 2012, Table 11. Based on the employee generation rate for "Neighborhood Shopping Center" land uses, which is 0.00271 employees per average square foot.

undeveloped areas for new use. Therefore, growth-inducing impacts would be less than significant.

### (C) Significant Irreversible Environmental Changes

Section 15126.2(c) of the CEQA Guidelines indicates that an EIR should evaluate any significant irreversible environmental changes that would occur should the proposed project be implemented. The Reduced Alternative 5 would necessarily consume limited, slowly renewable, and non-renewable resources, resulting in irreversible environmental changes. This consumption would occur during construction of the Reduced Alternative 5 and would continue throughout its operational lifetime. The development of the Reduced Alternative 5 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 and the associated impacts related to air quality.

#### (i) Building Materials and Solid Waste

Construction of the Reduced Alternative 5 would require consumption of resources that do not replenish themselves or which 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), and petrochemical construction materials (e.g., plastics).

During construction of the Reduced Alternative 5, a minimum of 50 percent of the non-hazardous demolition and construction debris would be recycled and/or salvaged for reuse in compliance with the requirements of the City of Los Angeles Green Building Code. In addition, during operation, the Reduced Alternative 5 would provide a designated recycling area for Project residents to facilitate recycling in accordance with the City of Los Angeles Space Allocation Ordinance (Ordinance No. 171,687) and the Los Angeles Green Building Code. Thus, the consumption of non-renewable building materials such as lumber, aggregate materials, and plastics would be reduced.

#### (ii) Water

Project consumption of water during construction and operation of the Project and Reduced Alternative 5 is addressed in Section IV.J, Utilities and Service Systems—Water Supply and Infrastructure, of the Draft EIR, and in Section II.C., Topical Responses, of the Final EIR. As evaluated therein, water use during construction would be anticipated to be less than the net new water consumption for operation and would be short-term and intermittent only when required for specified construction activities. In addition, the Reduced Alternative 5's operational water demand would fall within the projected water supplies for average, single-dry, and multiple-dry years, and the Los Angeles Department of Water and Power (LADWP) would be able to meet the water demand in addition to the existing and planned water demands of its future service area. Reduced Alternative 5 is also consistent with the General Plan land use designation for the Site (i.e., Community Commercial which allows the proposed intensity of residential and commercial land uses). Furthermore, pursuant to regulatory requirements and Project Design Feature J.1-1, the Reduced Alternative 5 would implement a variety of water conservation features to reduce indoor water use by at least 20 percent in accordance with the City of Los Angeles Green Building Code. Thus, as evaluated in Section IV.J, Utilities and Service Systems—Water Supply and Infrastructure, of the Draft EIR, and Section II.C., Topical Responses, of the Final EIR, while construction and operation of the Reduced Alternative 5 would result in the irreversible

consumption of water, the Reduced Alternative 5 would not result in a significant impact related to water supply.

(iii) Energy Consumption and Air Quality

During ongoing operation of the Reduced Alternative 5, non-renewable fossil fuels would represent the primary energy source, and thus the existing finite supplies of these resources would be incrementally reduced. Fossil fuels, such as diesel, gasoline, and oil, would also be consumed in the use of construction vehicles and equipment. Construction activities for the Reduced Alternative 5 would not require the consumption of natural gas, but would require the use of fossil fuels and electricity. As the consumption of fossil fuels would occur on a temporary basis during construction, impacts related to the consumption of fossil fuels during construction of the Project would be less than significant.

Consumption of non-renewable fossil fuels for energy use during project operation is addressed in the Initial Study included in Appendix A of the Draft EIR and in Section 7, CEQA Guidelines Appendix F Analysis, of the Draft EIR. As evaluated therein, the Project's (and, similarly, the Reduced Alternative 5's) increase in electricity and natural gas demand would be within the anticipated service capabilities of LADWP and the Southern California Gas Company, respectively. In addition, the estimates of electrical and natural gas consumption are conservative and do not factor in reductions in consumption from the implementation of energy conservation features. Specifically, as discussed in Section IV.C, Greenhouse Gas Emissions, of the Draft EIR, "green" principles are incorporated throughout the Reduced Alternative 5 to comply with the City of Los Angeles Green Building Code and the sustainability intent of the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED®) program. Energy conservation features incorporated into the design include Energy Star appliances, energy efficient lighting technologies, and the incorporation of passive energy-efficiency strategies such as roof overhangs, porches, and inner courtyards. Furthermore, the Reduced Alternative 5 includes renovations to the existing Sunkist Building that would have a direct effect on energy usage and efficiency. Specifically, with implementation of the Reduced Alternative 5, the existing hot water boiler system within the Sunkist Building would be replaced with in-line tankless water heaters, which uses less energy as the system does not require using energy to heat unused water, therefore making the system more energy efficient. The chilling towers would also be replaced with HVAC Condensing units and Fan oils, which would allow each individual tenant space to be independently heated and cooled. In addition, the lighting systems that would be installed in the renovated Sunkist Building would include a mixture of LED and florescent fixtures, motion sensors, and photo cells. The upgraded lighting system would reduce the overall energy usage of the Sunkist Building. Therefore, with the implementation of energy conservation features, energy would not be used in a wasteful manner and long-term impacts associated with the consumption of fossil fuels would not be significant. Refer to Section IV.C, Greenhouse Gas Emissions, of the Draft EIR, for further details on proposed upgrades to the existing Sunkist Building which would serve to enhance the energy efficiency of the Sunkist Building.

(iv) Environmental Hazards

The potential use of hazardous materials is addressed in the Initial Study included in Appendix A of the Draft EIR. As evaluated therein, the types and amounts of hazardous materials that would be used in connection with the Project and Reduced Alternative 5 would be typical of those used in mixed-used residential and retail developments (e.g., cleaning solvents, pesticides for landscaping, painting supplies, and petroleum products). Construction of the Reduced Alternative 5 would also involve the temporary use of potentially hazardous materials. However, all

potentially hazardous materials would be contained, stored, and used in accordance with manufacturers' instructions and handled in compliance with applicable federal, State, and local regulations. Thus, any associated risk would be adequately reduced to a less than significant level through compliance with these standards and regulations. As such, compliance with regulations and standards would serve to protect against significant and irreversible environmental change that could result from the accidental release of hazardous materials.

#### XI. STATEMENT OF OVERRIDING CONSIDERATIONS

The EIR identified the following unavoidable significant impacts: (1) Air Quality – Project-level and cumulative regional operational impacts from NOx emissions under 2014 existing conditions; (2) Noise – Project-level on-site construction noise and on- and off-site construction vibration regarding human annoyance; cumulative on- and off-site construction noise and off-site construction vibration regarding human annoyance; (3) Project-level and cumulative intersection levels of service during operation.

Section 21081 of the California Public Resources Code and Section 15093(b) of the CEQA Guidelines provide that when the decisions of the public agency allow the occurrence of significant impacts identified in the EIR that are not substantially lessened or avoided, the lead agency must state in writing the reasons to support its action based on the Final EIR and/or other information in the record. Article I of the City's CEQA Guidelines incorporates all of the State CEQA Guidelines contained in Title 14, California Code of Regulations, Sections 15000 et seq. and thereby requires, 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 identified in the Final EIR cannot be substantially lessened or avoided. These findings and the Statement of Overriding Considerations are based on substantial evidence in the record, including but not limited to the EIR, the source references in the EIR, and other documents and material that constitute the record of proceedings.

Accordingly, based on the analysis provided in the Final EIR, the City adopts the following Statement of Overriding Considerations. The City recognizes that significant and unavoidable impacts will result from implementation of the Reduced Alternative 5. Having (i) adopted all feasible mitigation measures, (ii) rejected as infeasible the other alternatives to the project, (iii) recognized all significant, unavoidable impacts, and (iv) balanced the benefits of Reduced Alternative 5 against Reduced Alternative 5's significant and unavoidable impacts, the City hereby finds that the each of the benefits of Reduced Alternative 5, as listed below, outweighs and overrides the significant unavoidable impacts of Reduced Alternative 5.

Summarized below are the benefits, goals and objectives of the Reduced Alternative 5. These provide the rationale for approval of the Reduced Alternative 5. These overriding considerations of economic, social, aesthetic, and environmental benefits for the Project justify adoption of the Project and certification of the completed EIR. Each of the listed project benefits set forth in this Statement of Overriding Considerations provides a separate and independent ground for the City's decision to approve the project despite the project's identified significant and unavoidable environmental impacts. Each of the following overriding consideration separately and independently (i) outweighs the adverse environmental impacts of the Project, and (ii) justifies adoption of the Project and certification of the completed EIR. In particular, achieving the underlying purpose for the Project would be sufficient to override the significant environmental impacts of the Project.

Any one of the overriding considerations of economic, social, aesthetic and environmental benefits individually would be sufficient to outweigh the significant unavoidable impacts of the Reduced Alternative 5 and justify the approval, adoption or issuance of all of the required permits, approvals and other entitlements for the Reduced Alternative 5 and the certification of the completed Final EIR. Despite the unavoidable noise and vibration impacts caused by the construction of the Reduced Alternative 5 and air quality (under only 2014 existing conditions) and traffic impacts caused by the operation of the Reduced Alternative 5, the City approves the Reduced Alternative 5 based on the following contributions of the Reduced Alternative 5 to the community:

The Reduced Alternative 5 will develop new housing units on the Project Site to help meet the market demand for new housing in the region and in the City of Los Angeles while remaining consistent with the zones permitted by the Project Site's underlying Community Commercial land use as designated by the Van Nuys-North Sherman Oaks Community Plan. There is a shortage of housing within both the City and within Los Angeles County. As emphasized in regional and local planning documents, including the City of Los Angeles General Plan Housing Element, the City is in need of new dwelling units to serve both the current population and the projected population. The Reduced Alternative 5 would provide new dwelling units to help alleviate this shortage. As described in Section IV.F., Land Use and Planning, of the Draft EIR, the Reduced Alternative 5 would be consistent with local plans and policies relating to housing, including supporting the City's objectives, identified in the General Plan Framework's Housing Chapter, to plan the capacity for and develop incentives to encourage production of an adequate supply of housing units of various types and encourage the location of new multi-family to occur in proximity to transit. The Reduced Alternative 5 would also support the objectives relating to housing set forth in the General Plan Housing Element and the Van Nuys-North Sherman Oaks Community Plan. Additionally, Reduced Alternative 5 would replace surface parking lots and antiquated "Parking" (P) and "Parking Building" (PB) zoning with needed residential multifamily units and RAS3/C2 zoning consistent with the floor area and density permitted under the Site's "Community Commercial" land use designation.

The Reduced Alternative 5 will also develop new neighborhood-serving commercial uses that would support both the new multi-family dwelling units proposed under the Reduced Alternative 5 as well as the existing residents and community in the vicinity of the Project Site. Building A will include a grocery store use. Although specific tenants have not been selected yet, other ground floor commercial establishments would be neighborhood-serving in character, such as restaurants and retail uses. Based upon comments on the Draft EIR, it is noted that the existing grocery store in the immediate vicinity of the Project Site is located in an older facility with insufficient parking and inefficient circulation. By contrast, the grocery store space in Building A would be located in a newly-constructed facility adjacent to sufficient surface parking (as provided under the site plan for the Reduced Alternative 5), with the intent of attracting the existing local grocery store tenant to Building A and thereby enhancing the overall well-being and convenience of the community's grocery shopping experience.

The Reduced Alternative 5 will also preserve and rehabilitate the existing Sunkist Building, an important structure recognized for its architectural significance, notable architect and historic connection to the San Fernando Valley's agricultural industry. The preservation would be completed to the Secretary of the Interior's Standards. Moreover, the Sunkist Building would be rehabilitated with the intent of serving Class A office tenants. In addition to benefitting the Sherman Oaks community by providing local office space of an enhanced character, the proposed rehabilitation will have the further benefit of reducing vehicle miles traveled by enabling Class A

tenants to locate in the San Fernando Valley area and thereby incrementally reducing the need for San Fernando Valley residents to commute to existing Class A office space in the Los Angeles Basin. The Reduced Alternative 5 would also be intended to create an overall “campus” concept for the new mixed-use development, which would have the further effect of reducing vehicle miles traveled by locating jobs near residents. In particular, the Transportation Demand Management Program contemplates providing incentives for employees of the Sunkist Building to live on-site.

The Reduced Alternative 5 will also enhance the Project Site’s walkability and public accessibility through the introduction of street-fronting neighborhood-serving commercial uses, new plazas and walkways that connect with the LA Riverwalk, including the following public accessible open space amenities: (i) an approximately 28,000-square-foot River Greenway fronting the LA River and (ii) the “Hazeltine Parkway” that provides open space along Hazeltine Avenue connecting the corner of Hazeltine Avenue and Riverside Drive (northeast portion of the Site) and the LA River along the southern portion of the Project Site. The Hazeltine Parkway, incorporated under the Reduced Alternative 5, would be programmable, useable open space that would span 58 feet 6 inches in width, including 45 feet 6 inches of privately maintained open space on the Project Site plus a variable 13-foot sidewalk along Hazeltine Avenue. The Hazeltine Parkway would serve as a critical nexus in the open space corridor linking the Van Nuys-Sherman Oaks Recreation Center (north of Riverside Drive and the Project Site) to the River Greenway and the LA Riverwalk. The Project’s curated open spaces are designed to increase accessibility to and activity along the LA River, in furtherance of an important LA Planning objective.

## XII. GENERAL FINDINGS.

1. The City, acting through the Department of City Planning, is the “Lead Agency” for the Project and Reduced Alternative 5 that are 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, 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: Aesthetics; Air Quality; Greenhouse Gas Emissions; Cultural Resources; Hydrology and Water Quality; Land Use and Planning; Noise; Public Services; Transportation/Traffic; and Utilities and Service Systems—Water Supply and Infrastructure. Additionally, the EIR considered Energy Demand and Energy Conservation, Growth Inducing Impacts, and Significant Irreversible Environmental Changes. The significant environmental impacts of the Project and the alternatives, including Reduced Alternative 5, 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 Reduced Alternative 5. The public review period provided all interested jurisdictions, agencies, private organizations, and individuals the opportunity to submit comments regarding the Draft EIR. The Final EIR was prepared after the review period and responds to comments made during the public review period, including further considering and evaluating Alternative 5 in order to further reduce potential environmental effects.
4. Textual refinements 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 review of the Project and alternatives. 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 response to the comments. The Department of City Planning reviewed the comments received and responses thereto and has determined that neither the comments received nor the responses to such comments add significant new information regarding environmental impacts to the Draft EIR. The Lead Agency has based its actions on full appraisal of all viewpoints, including all comments received up to the date of adoption of these findings, concerning the environmental impacts identified and analyzed in the EIR.
6. The Final EIR documents changes to the Draft EIR. The Final EIR provides additional information that was not included in the Draft EIR, including further consideration and evaluation of Reduced Alternative 5 in order to further reduce potential environmental effects. Having reviewed the information contained in the Draft EIR and the Final EIR and in the administrative record, as well as the requirements of CEQA and the CEQA Guidelines regarding recirculation of Draft EIRs, the City finds that there are no new significant impacts, substantial increase in the severity of a previously disclosed impact, significant information in the record of proceedings, or other criteria under CEQA that would require recirculation of the Draft EIR, or preparation of a supplemental or subsequent EIR.

Specifically, the City finds that:

- a. 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 Reduced Alternative 5 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.
- b. The City has thoroughly reviewed the public comments received regarding the Project and the Final EIR as it relates to the Project and the Reduced Alternative 5 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.
- c. None of the information submitted after publication of the Final EIR, including testimony at and documents submitted for the public hearings on the Reduced Alternative 5, 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 Reduced Alternative 5 were included in the Draft and Final EIRs. As revised, the final mitigation measures for the Reduced Alternative 5 are described in the Mitigation Monitoring Program (MMP). Each of the mitigation measures identified in the MMP is incorporated into the Reduced Alternative 5. The City finds that, to the greatest extent possible, the impacts of the Reduced Alternative 5 have been mitigated to less than significance by the feasible 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 to ensure compliance with the mitigation measures during project implementation. The mitigation measures included in the EIR as certified by the City serve that function. The MMP includes all the mitigation measures and project design features adopted by the City in connection with the approval of the Reduced Alternative 5 and has been designed to ensure compliance with such measures during implementation of the Reduced Alternative 5. 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 Public Resources Section 21081.6, the City hereby adopts each of the mitigation measures expressly set forth herein as conditions of approval for the Reduced Alternative 5.
10. The custodian of the documents or other material which constitute the record of proceedings upon which the City's decision is based is the City Department of City Planning, Environmental Review Section, 221 North Figueroa Street, Room 1350, Los Angeles, California 90012.
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 Reduced Alternative 5.
13. The EIR is a project EIR for purposes of environmental analysis of the Reduced Alternative 5. 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 Reduced Alternative 5 by the City and other regulatory jurisdictions.
14. The City finds that none of the public comments to the Draft EIR or subsequent public comments or other evidence in the record, including any changes in the Reduced Alternative in response to input from public comments and the community, include or

constitute substantial evidence that would require recirculation of the EIR prior to its certification and that there is no substantial evidence elsewhere in the record of proceedings that would require substantial revision of the EIR prior to its certification, and that the EIR need not be recirculated prior to its certification.

**FINDINGS OF FACT (SUBDIVISION MAP ACT)**

In connection with the approval of Vesting Tentative Tract Map No. 72802, 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.**

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 Los Angeles Municipal Code ("LAMC").

The project site is located within the adopted Van Nuys – North Sherman Oaks Community Plan area. The project site contains 8.3 net acres and is presently split zoned. The center of the project site, generally around the footprint of the existing Sunkist Building, as well as the northeast portion of the site, are in the C2-1L-RIO Zone. The western portion of the project site is in the P-1L-RIO Zone, and the remainder of the site is within the PB-1L-RIO Zone. The entire project site is currently designated for Community Commercial land uses. The CR, C2, C4, RAS3 and RAS4 Zones correspond to the Community Commercial land use designation. As such, under existing conditions, the project site's P and PB Zones are inconsistent with its General Plan land use designation. The concurrent Case No. CPC-2014-1361-ZC-MCUP-SPR proposes to change the zoning on the project site from P-1L-RIO, PB-1L-RIO and C2-1L-RIO to C2-1L-RIO for Proposed Lot 1 and P-1L-RIO, PB-1L-RIO and C2-1L-RIO to RAS3-1L-RIO for Proposed Lot 2, which would bring the zoning into conformity with the project site's existing General Plan land use designation. The project site is not within a specific plan area.

The Project Site is currently developed with the Sunkist Growers, Inc. international headquarters building (Sunkist Building), which would be retained as part of the Project, and surface parking areas. In conjunction with the requested merger and resubdivision for two ground lots for residential and commercial condominium purposes, the Project Applicant proposes to retain and rehabilitate the existing Sunkist Building, and construct a new mixed-use project comprised of up to 249 multi-family residential units, and 27,470 square feet of commercial uses. In total, the Reduced Alternative 5 would involve the development of up to 287,924 square feet of new floor area (not including the 126,674-square-foot Sunkist Building to remain). The Reduced Alternative 5 would provide 1,141 parking spaces within above- and below-grade parking levels within the northern portion of the Project Site, a surface parking lot within the eastern portion of the Project Site, and an above- and below-grade parking structure within the western portion of the Project Site.

In conjunction with the Vesting Tentative Tract Map, the applicant is requesting an approval of a Zone Change, Master Conditional Use Permit, and Site Plan Review, which, if approved, would allow the proposed development. If not approved, the subdivider shall submit a tract map modification.

Therefore, as conditioned, the proposed Vesting Tract Map is consistent with the intent and purpose of the 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."

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

The vesting tentative tract map subdivision design includes the merger and resubdivision of a net 8.3-acre site into two ground lots for residential and commercial condominium purposes, for a development that would consist of up to 249 multi-family residential units, and 27,470 square feet of commercial uses. In total, the Project would involve the development of up to 272,295 square feet of new floor area (not including the 126,674-square-foot Sunkist Building to remain). The Reduced Alternative 5 would provide 1,141 parking spaces within above- and below-grade parking levels within the northern portion of the Project Site, a surface parking lot within the eastern portion of the Project Site, and an above- and below-grade parking structure within the western portion of the Project Site.

The design and layout of the map is consistent with the design standards established by the Subdivision Map Act and Division of Land Regulations of the Los Angeles Municipal Code. Several public agencies (including the Bureau of Engineering, Department of Building and Safety, Grading Division and Zoning Division, Fire Department) have reviewed the map and found the subdivision design satisfactory, and have imposed improvement requirements and/or conditions of approval. Bureau of Engineering requires dedication and improvements along Hazeltine Avenue and Calhoun Avenue, and improvements along Riverside Drive, in accordance with the City's Street Standards. Sewers are available and have been inspected and deemed adequate in accommodating the proposed project's sewerage needs, subject to conditions of approval. Fire access and site grading have been reviewed and deemed appropriate.

At the public hearing on September 5<sup>th</sup>, 2019 the Advisory Agency designated the Riverside Drive frontage as the Lot 2 front yard, Hazeltine Avenue frontage as the Lot 2

side yard, the Calhoun Avenue frontage as the Lot 2 side yard, and the southerly portion of Lot 2 which abuts the northern boundary of Lot 1 is designated as the Lot 2 rear yard.

The subdivision will be required to comply with all regulations pertaining to grading, building permits, and street improvement permit requirements. Conditions of Approval for the design and improvement of the subdivision are required to be performed prior to the recordation of the tentative map, building permit, grading permit, or certificate of occupancy.

Further, the site is designated by the Community Plan for Community Commercial land uses. The applicant is seeking a concurrent Zone Change to change the zoning on the project site to become consistent with its current land use designation, which would allow for the development of the proposed project. Upon approval of the entitlement requests, the design and improvement of the proposed subdivision would be consistent with the intent and purpose of the Community Plan.

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

The project site is currently improved with a three-story, 126,674-square-foot office building, and associated surface parking areas. The project site is physically suitable for the proposed type of development. The project site is relatively flat and located within an urbanized area. The project site is not located in a slope stability study area or a fault/rupture study zone. The project is not located in a Methane Buffer Zone, Alquist Priolo Zone, or Very High Fire Severity Zone.

The Seismic Hazards Maps of the State of California identifies the Project Site within a potentially "Liquefiable" area. This determination is based on groundwater depth records, soil type and distance to a fault capable of producing a substantial earthquake. A site-specific liquefaction analysis was performed for the project's Geotechnical Report as part of its Environmental Impact Report. The Geotechnical Report was prepared following the Recommended Procedures for Implementation of the California Geologic Survey Special Publication 117a, Guidelines for Analyzing and Mitigating Seismic Hazards in California. Liquefaction hazards are associated with sandy soils and silty soils of low plasticity and are based on a plasticity index (PI). Cohesive soils with a PI between 7 and 12 with a moisture content greater than 85 percent of the liquid limit are susceptible to liquefaction. The Geotechnical Report identified the Project Site to have a PI greater than 12, with the exception of the sample taken at a depth of 65 feet which had a PI of 6. However, due to the relatively high blow count encountered in that layer, that layer will not liquefy and the potential for liquefaction would be low. Therefore, based on the blow count data, results of laboratory testing and the calculated factor of safety against the occurrence of liquefaction, the Geotechnical Report concluded that the potential for liquefaction to occur at the Project Site would be remote. Thus, impacts related to liquefaction would be less than significant, and liquefaction would not adversely affect the physical suitability of the site for the proposed type of development.

The tract has been approved contingent upon the satisfaction of the Department of Building and Safety, Grading Division prior to the recordation of the map and issuance of any permits. The Department of Building and Safety, Grading Division has issued a Soils Approval Letter, dated July 24, 2019, stating that the referenced reports are acceptable,

provided that the project complies with applicable conditions. The recommendations from the July 24, 2019 letter have been imposed as Conditions of Approval of the tract map. Therefore, based on the above, the site will 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 Van Nuys – North Sherman Oaks Community Plan designates the subject site for Community Commercial land uses. The CR, C2, C4, RAS3 and RAS4 Zones correspond to the Community Commercial land use designation. As such, under existing conditions, the project site's P and PB Zones are inconsistent with its General Plan land use designation. The concurrent Case No. CPC-2014-1361-ZC-MCUP-SPR proposes to change the zoning on the Project Site from P-1L-RIO, PB-1L-RIO and C2-1L-RIO to C2-1L-RIO for Proposed Lot 1 and P-1L-RIO, PB-1L-RIO and C2-1L-RIO to RAS3-1L-RIO for Proposed Lot 2, which would bring the zoning on the project site into conformity with its existing General Plan land use designation. The proposed RAS3-1L-RIO Zone for Lot 2 requires a minimum of 800 square feet per each dwelling unit, which is the lowest-density zone that corresponds to the project site's existing General Plan land use designation, and is sufficient for the proposed number of dwelling units.

For Lot 1, which generally includes the existing Sunkist Building and proposed parking structure, the amount of on-site floor area would remain unchanged from existing conditions, and would result in a Floor Area Ratio (FAR) of 0.8 based upon the 153,289 square foot lot size and Sunkist Building's 126,674 square feet of floor area. This floor area ratio is below the maximum 1.5:1 FAR permitted for the C2 Zone in height district 1L. The two proposed mixed-use buildings on Lot 2 would result in a floor area ratio of 1.4:1, based on a total floor area of 287,924 square feet on a 207,637 square foot lot. This is below the 3:1 maximum FAR permitted in the RAS3-1L Zone. Therefore, the Reduced Alternative 5's proposed density and proposed Floor Area Ratio are consistent with the general provisions and area requirements of the Planning and Zoning Code.

Surrounding uses are within the (Q)C2-1L-RIO, (Q)RD1.5-1VL-RIO, R3-1-RIO, and R1-1-RIO zones, and are developed with the Westfield Fashion Square Mall to the east of the project site across Hazeltine Avenue, single-family residential uses to the west across Calhoun Avenue, the Los Angeles River and US-101 freeway to the south, and two- to three-story multi-family residential and one-story commercial uses to the north across Riverside Drive. The Project's floor area, density, and massing is appropriately scaled and situated given the uses in the surrounding area. The subject site is a relatively flat, infill lot in a substantially developed urban area with adequate infrastructure. The area is easily accessible via improved streets, highways, and transit systems. The environmental review conducted by the Department of City Planning (Case No. ENV-2014-1362-EIR (SCH No. 2014071001)), 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 site, as well as the surrounding area, are presently developed with single-family and multi-family residential uses, office uses. The site, as described in the EIR, is urbanized and built-out, and does not contain riparian or other sensitive natural community, and does not provide a natural habitat for either fish or wildlife. No water bodies or federally protected wetlands as defined by Section 404 of the Clean Water Act exist on the Project Site. The concrete-lined Los Angeles River is located south of the Project Site but is not a federally protected wetland. In addition, all Project-related development would be located on-site and would not directly affect the Los Angeles River. 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.

With regard to protected trees, a Tree Report was prepared for the project site as part of the EIR. The EIR identified 163 trees on the Project Site, including two Valley Oak trees located on the southwestern corner of the Project Site. The two Valley Oak trees are considered protected by the City of Los Angeles Protected Tree Ordinance. Subsequent to the preparation of the Tree Report and as documented in the Final EIR, further inspection of the Valley Oak trees revealed that the two trees were actually one tree with two trunks. In addition, due to the rot found at the base of the trunk of the Valley Oak tree, the tree eventually failed and was removed on December 3, 2014. Therefore, the Project Site does not currently contain any protected trees. The Reduced Alternative 5 includes the removal of 97 ornamental trees and retaining 66 trees. Mitigation Measure BIO-1 included in the Mitigation Monitoring Program provides for the replacement of the 97 trees proposed to be removed at a 1:1 ratio. Specifically, Mitigation Measure BIO-1 states that during Project construction, the Reduced Alternative 5 shall plant a minimum of 97, 15-gallon and 24-inch box specimen trees as replacement for each tree proposed to be removed. In addition, the Reduced Alternative 5 would comply with the City's Urban Forestry Division requirements to replace any street trees removed at a 2:1 ratio. With implementation of these measures, which are conditions of approval on the tract map, impacts would be less than significant, and the proposed subdivision would not cause substantial environmental damage or substantially and avoidably injure tree resources.

As noted above, the project site is presently improved with an existing office building and surface parking area, 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 Reduced Alternative 5 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 Los Angeles Municipal Code (e.g., the Fire Code, Planning and Zoning Code, Health and Safety Code) and the Building Code. Other health and safety related requirements as mandated by law would apply where applicable to ensure the public health and welfare (e.g., asbestos abatement, seismic safety, flood hazard management).

The Reduced Alternative 5 is not located over a hazardous materials site or flood hazard area, and is not located on unsuitable soil conditions. The Reduced Alternative 5 would not place any occupants or residents near a hazardous materials site or involve the use or transport of hazardous materials or substances.

The EIR fully analyzed the impacts of both construction and operation of the Reduced Alternative 5 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.**

The site is surrounded by public streets and private properties that adjoin improved public streets and sidewalks 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. 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. 72802.

Vincent P. Bertoni, AICP

Advisory Agency



Alan Como, AICP  
City Planner  
Deputy Advisory Agency  
HB:WL

Note: If you wish to file an appeal, it must be filed within 10 calendar days from the decision date as noted in this letter. For an appeal to be valid to the City Planning Commission, it must be accepted as complete by the City Planning Department and appeal fees paid, prior to expiration of the above 10-day time limit. Such appeal must be submitted on Master Appeal Form No. CP-7769 at the Department's Public Offices, located at:

Figueroa Plaza  
201 North Figueroa  
Street, 4th Floor  
Los Angeles,  
CA 90012  
(213) 482-7077

Marvin Braude  
San Fernando Valley  
Constituent Service Center  
6262 Van Nuys Boulevard,  
Room 251  
Van Nuys, CA 91401  
(818) 374-5050

West Los Angeles  
Development Services Center  
1828 Sawtelle Boulevard,  
2nd Floor  
Los Angeles, CA 90025  
(310) 231-2598

**Forms are also available on-line at <http://planning.lacity.org/>.**

If you seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, the petition for writ of mandate pursuant to that section must be filed no later than the 90th day following the date on which the City's decision became final pursuant to California Code of Civil Procedure Section 1094.6. There may be other

time limits which also affect your ability to seek judicial review.

If you have any questions, please call Development Services Center staff at (213) 482-7077, (818) 374-5050, or (310) 231-2598.

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