



CENTRAL AREA PLANNING COMMISSION

200 North Spring Street, Room 272, Los Angeles, California, 90012-4801, (213) 978-1300
www.planning.lacity.org

LETTER OF DETERMINATION

MAILING DATE: **MAY 05 2022**

Case No. DIR-2018-2770-SPR-WDI-1A
CEQA: ENV-2018-2771-EIR
SCH No. 2019029111
Plan Area: Wilshire

Council District: 5 – Koretz

Project Site: 300-370 South Fairfax Avenue; 6300-6370 West 3rd Street;
347 South Ogden Drive

Applicant: Tom Warren, NASH-Holland, 3rd & Fairfax Investors, LLC
Representative: James Pugh, Sheppard, Mullin, Richter & Hampton, LLP

Appellant No. 1: Park La Brea Impacted Residents Group (Barbara Gallen)
Representative: Kristina Kropp, Luna & Glushon

Appellant No. 2: Supporters Alliance for Environmental Responsibility
Representative: Brian Flynn, Lozeau Drury, LLP

At its meeting of **April 12, 2022**, the Central Los Angeles Area Planning Commission took the actions below in conjunction with the approval of the following Project:

The Project would involve the construction and operation of a new mixed-use development within the eastern portion of the existing Town & Country Shopping Center that is currently developed with retail and commercial uses. The proposed development activities would be limited to the eastern portion of the Center and would include the demolition of 151,048 square feet of existing retail uses and the construction of a mid-rise, eight story mixed-use structure with two levels of subterranean parking, for a maximum height of 100 feet.

The residential component of the Project would include up to 331 multi-family dwelling units and 83,994 square feet of newly developed commercial space for a total new floor area of 426,994 square feet. The western portion of the Project Site would remain and is not proposed to be demolished, altered, or developed as part of the Project. Including the existing 63,688 square feet of commercial and retail uses to remain, the Project Site would result in 147,682 square feet of commercial retail space, and a total of 490,682 square feet of development and a Floor Area Ratio (FAR) of 1.5 to 1.

1. **Found** that pursuant to Sections 21082.1(c) and 21081.6 of the Public Resources Code, the Central Los Angeles Area Planning Commission has reviewed and considered the information contained in the Environmental Impact Report prepared for this project, which includes the Draft EIR, No. ENV-2018-2771-EIR (SCH No. 2019029111) dated February 2021, and the Final EIR, dated December 2021 (3rd and Fairfax Mixed-Use Project EIR), as well as the whole of the administrative record, and Certified the following:
 - a. The 3rd and Fairfax Mixed-Use Project EIR has been completed in compliance with the California Environmental Quality Act (CEQA);
 - b. The 3rd and Fairfax Mixed-Use Project EIR was presented to the Central Los Angeles Area Planning Commission as a decision-making body of the lead agency; and

- c. The 3rd and Fairfax Mixed-Use Project EIR reflects the independent judgment and analysis of the lead agency.

Adopted all of the following:

- a. The related and prepared 3rd and Fairfax Mixed-Use Project Environmental Findings; and
 - b. The Mitigation Monitoring Program prepared for the 3rd and Fairfax Mixed-Use Project EIR;
2. **Denied** the appeals and **sustained** the Planning Director's determination dated February 8, 2022;
 3. **Approved with conditions**, pursuant to Section 16.05 of the Los Angeles Municipal Code, a Site Plan Review for a project which will result in an increase of more than 50 dwelling units;
 4. **Adopted** the attached Modified Conditions of Approval;
 5. **Adopted** the attached Findings.

This vote proceeded as follows:

Moved: Lindgren
 Seconded: Kang
 Ayes: Lawrence
 Absent: DelGado, Gold

Vote: 3 – 0

Etta Armstrong

Etta Armstrong, Commission Executive Assistant I
 Central Los Angeles Area Planning Commission

Fiscal Impact Statement: There is no General Fund impact as administrative costs are recovered through fees.

Effective Date/Appeals: The decision of the Central Los Angeles Area Planning Commission is final upon the mailing date of this letter, and it is not further appealable.

Notice: An appeal of the CEQA clearance for the Project pursuant to Public Resources Code Section 21151(c) is only available if the Determination of the non-elected decision-making body (e.g., ZA, AA, APC, CPC) **is not further appealable to a City appellate body** and the decision is final. The applicant is advised that any work undertaken while the CEQA clearance is on appeal is at his/her/its own risk and if the appeal is granted, it may result in (1) voiding and rescission of the CEQA clearance, the Determination, and any permits issued in reliance on the Determination and (2) the use by the City of any and all remedies to return the subject property to the condition it was in prior to issuance of the Determination.

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.

Attachments: Modified Conditions of Approval, Findings, Interim Appeal Filing Procedures

c: Milena Zasadzien, Senior City Planner
 William Lamborn, City Planner

CONDITIONS OF APPROVAL

(As modified by the Central Area Planning Commission at its meeting of April 12, 2022)

Site Plan Review

Pursuant to Sections 16.05 of the LAMC, the following conditions are hereby imposed upon the use of the subject property:

1. **Site Development.** Except as modified herein, the project shall be in substantial conformance with the plans and materials submitted by the Applicant, stamped "Exhibit A," dated February 1, 2022 and attached to the subject case file. Minor deviations may be allowed in order to comply with the provisions of the LAMC or the project conditions. Changes beyond minor deviations required by other City Departments or the LAMC may not be made without prior review by the Department of City Planning and written approval by the Director of Planning. Each change shall be identified and justified in writing.
2. **Development Services Center.** Prior to sign-off on building permits by the Department of City Planning's Development Services Center for the project, the Department of City Planning's Major Projects section shall confirm, via signature on the plans, that the project's building plans substantially conform to the conceptual plans stamped "Exhibit A," dated February 1, 2022.
3. **Building Height.** The project shall be limited to a maximum building height of 100 feet, with limited exceptions for stairwells, elevator shafts, and rooftop structures, etc. as permitted by the LAMC.
4. **Floor Area.** The Project Site shall be limited to a maximum Floor Area Ratio (FAR) of 1.5 to 1.
5. **Screening.** With the exception of vehicle and pedestrian entrances and fresh air intake grilles, above-grade parking levels within the parking garage shall be completely enclosed or wrapped by active uses or landscaping or decorative features along all sides of the building such that no vehicle lights are visible from the public right-of-way or adjacent properties.
 - a. Architectural screening of the above-grade parking levels shall complement and be consistent with the materials and design of the building as a whole, such that the project's west, east and south facades are consistent with the exterior materials and design shown in Exhibit A.
6. **Landscaping.** All open areas not used for buildings, driveways, parking areas, recreational facilities or walks shall be attractively landscaped, including an automatic irrigation system, and maintained in accordance with a landscape plan prepared by a licensed landscape architect or licensed architect, and submitted for approval to the Department of City Planning.
 - a. Trees provided within and along the project's ground-floor open space plaza on the northern frontage with 3rd Street shall be canopy trees, consistent with the Exhibit A landscaping plans. Palm trees are not permitted within or along this 3rd Street ground-floor open space plaza.

7. **Pedestrian Pathway.** Direct pedestrian pathways from the sidewalk to the proposed new mixed-use building shall be provided along 3rd Street.
8. **Pedestrian Paseo.**
 - a. The project shall provide a pedestrian paseo from Ogden Drive through the eastern portion of the project site connecting to existing retail uses on the western portion of the project site, in substantial conformance with Exhibit A.
 - b. The portion of this pedestrian paseo that passes through the interior of the ground-floor parking garage shall be improved with an arts program, pedestrian-scale lighting, and other such components to create an inviting and pedestrian-friendly environment.
 - c. The pedestrian paseo shall remain open and accessible to the public during business operating hours, seven (7) days a week.
 - d. Any public original art mural or public art installation shall comply with all applicable City regulations, including Section 22.119 of the Los Angeles Administrative Code and approval from the Department of Cultural Affairs, if deemed necessary.
9. The outdoor plaza area that abuts the west elevation of the new mixed-use building, and located immediately to the south of the vehicular entrance into the above grade parking, shall be landscaped, shall provide outdoor seating, and shall provide a wood-finished screen wall, consistent with Exhibit A.
10. **Driveways.** The project shall be limited to the maximum number of driveways, loading dock driveways, and vehicular access driveway lanes as shown on Exhibit A. The project may reduce the number and width of the vehicular driveways shown on Exhibit A if approved by the Department of Transportation.
 - a. Unless otherwise required by the Department of Transportation, the resident area drop-off vehicular driveway, accessed from Ogden Drive and located immediately to the south of the Lobby/Leasing space as shown on Exhibit A, shall be limited to ingress only and shall not exceed the minimum standard driveway widths required by the Department of Transportation.
11. **Privacy.** The 4th level podium deck shall incorporate a landscaped area along the entire perimeter of its southern façade to maintain privacy for the adjacent school, and no balconies shall be located on the residential units on the southern building façade, as depicted on the "Exhibit A" plans.
12. **Mechanical Equipment.** All mechanical equipment shall be screened from view on all exposed sides.
13. **Lighting.** Outdoor lighting shall be designed and installed with shielding such that the light source does not directly illuminate adjacent properties, the public right-of-way, or the above night skies.
14. **Signage.** On-site signs shall be in conformance with the applicable provisions of the LAMC. No approval of any signage has been granted herein.

15. **Trash.** All trash collection and storage areas shall be located on-site. Trash enclosures shall not be visible from the public right-of-way.
16. **Voluntary Crosswalks.** The applicant agrees to prepare, and submit to the Department of Transportation for review, a marked crosswalk warrant analysis to determine the feasibility of implementing pedestrian crosswalks across: (a) 3rd Street between Ogden Drive and Gilmore Lane; and (b) Fairfax Avenue between Blackburn Avenue and 4th Street. If LADOT produces a Traffic Control Report ("TCR") that confirms feasibility and approves one or both of the proposed crosswalks, then the applicant shall implement, or cause to be implemented, such crosswalk(s) prior to issuance of a final certificate of occupancy for the project as a voluntary community benefit.

Waiver of Dedication and Improvement

Pursuant to Section 12.37-I of the LAMC, the following conditions are hereby imposed upon the use of the subject property:

17. Waiver of Dedication and Improvement.

- a. No dedication or improvements shall be required along:
 - i. the entirety of the Project Site's frontage on the east side of Fairfax Avenue; and
 - ii. the westernmost 267'-3" segment of the Project Site's frontage on the south side of 3rd Street as measured from Fairfax Avenue; and
- b. All other dedication and/or improvement requirements along 3rd Street and Ogden Drive fronting the Project Site shall be provided in accordance with LAMC 12.37 and the Mobility Plan 2035 street standards to the satisfaction of the City Engineer, including:
 - i. Remove and reconstruct any damaged or off-grade asphalt concrete pavement along the property frontage.
 - ii. Repair and/or replace any broken curb and gutter.
 - iii. Remove and replace any non-ADA compliant sidewalk adjacent to the property with new sidewalk to achieve ADA compliance.
 - iv. Close any unused driveways.

Environmental Conditions

18. **Implementation.** The Mitigation Monitoring Program (MMP), that is part of the case file and attached as Exhibit B, shall be enforced throughout all phases of the Project. The Applicant shall be responsible for implementing each Project Design Features (PDF) and Mitigation Measure (MM) and shall be obligated to provide certification, as identified below, to the appropriate monitoring and enforcement agencies that each PDF and MM has been implemented. The Applicant shall maintain records demonstrating compliance with each PDF and MM. Such records shall be made available to the City upon request.

19. **Construction Monitor.** During the construction phase and prior to the issuance of building permits, the Applicant shall retain an independent Construction Monitor (either via the City or through a third-party consultant), approved by the Department of City Planning, who shall be responsible for monitoring implementation of PDFs and MMs during construction activities consistent with the monitoring phase and frequency set forth in this MMP.
20. The Construction Monitor shall also prepare documentation of the Applicant's compliance with the PDFs and MMs during construction every 90 days in a form satisfactory to the Department of City Planning. The documentation must be signed by the Applicant and Construction Monitor and be included as part of the Applicant's Compliance Report. The Construction Monitor shall be obligated to immediately report to the Enforcement Agency any non-compliance with the PDFs and MMs within two businesses days if the Applicant does not correct the non-compliance within a reasonable time of notification to the Applicant by the monitor or if the non-compliance is repeated. Such non-compliance shall be appropriately addressed by the Enforcement Agency.
21. **Substantial Conformance and Modification.** After review and approval of the final MMP by the Lead Agency, minor changes and modifications to the MMP are permitted, but can only be made subject to City approval. The Lead Agency, in conjunction with any appropriate agencies or departments, will determine the adequacy of any proposed change or modification. This flexibility is necessary in light of the nature of the MMP and the need to protect the environment. No changes will be permitted unless the MMP continues to satisfy the requirements of CEQA, as determined by the Lead Agency.

The Project shall be in substantial conformance with the PDFs and MMs contained in the MMP. The enforcing departments or agencies may determine substantial conformance with PDFs and MMs in the MMP in their reasonable discretion. If the department or agency cannot find substantial conformance, a PDF or MM may be modified or deleted as follows: the enforcing department or agency, or the decision maker for a subsequent discretionary project related approval finds that the modification or deletion complies with CEQA, including CEQA Guidelines Sections 15162 and 15164, which could include the preparation of an addendum or subsequent environmental clearance, if necessary, to analyze the impacts from the modifications to or deletion of the PDFs or MMs. Any addendum or subsequent CEQA clearance shall explain why the PDF or MM is no longer needed, not feasible, or the other basis for modifying or deleting the PDF or MM, and that the modification will not result in a new significant impact consistent with the requirements of CEQA. Under this process, the modification or deletion of a PDF or MM shall not, in and of itself, require a modification to any Project discretionary approval unless the Director of Planning also finds that the change to the PDF or MM results in a substantial change to the Project or the non-environmental conditions of approval.

Administrative Conditions

22. **Final Plans.** Prior to the issuance of any building permits for the project by the Department of Building & Safety, the applicant shall submit all final construction plans that are awaiting issuance of a building permit by the Department of Building & Safety for final review and approval by the Department of City Planning. All plans that are awaiting issuance of a building permit by the Department of Building & Safety shall be stamped by Department of City

Planning staff "Final Plans". A copy of the Final Plans, supplied by the applicant, shall be retained in the subject case file.

23. **Notations on Plans.** Plans submitted to the Department of Building & Safety, for the purpose of processing a building permit application shall include all of the Conditions of Approval herein attached as a cover sheet, and shall include any modifications or notations required herein.
24. **Approval, Verification and Submittals.** Copies of any approvals, guarantees or verification of consultations, review of approval, plans, etc., as may be required by the subject conditions, shall be provided to the Department of City Planning prior to clearance of any building permits, for placement in the subject file.
25. **Code Compliance.** Use, area, height, and yard regulations of the zone classification of the subject property shall be complied with, except where granted conditions differ herein.
26. **Corrective Conditions.** The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the City Planning Commission or the Director of Planning, pursuant to Section 12.27.1 of the Municipal Code, to impose additional corrective conditions, if in the decision makers' opinion, such actions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
27. **Covenant.** Prior to the issuance of any permits relative to this matter, an agreement concerning all the information contained in these conditions shall be recorded in the County Recorder's Office. The agreement shall run with the land and shall be binding on any subsequent property owners, heirs or assigns. The agreement shall be submitted to the Department of City Planning for approval before being recorded. After recordation, a copy bearing the Recorder's number and date shall be provided to the Department of City Planning for attachment to the file.
28. **Department of Building & Safety.** The granting of this determination by the Director of Planning does not in any way indicate full compliance with applicable provisions of the LAMC, Chapter IX (Building Code). Any corrections and/or modifications to plans made subsequent to this determination by a Department of Building & Safety Plan Check Engineer that affect any part of the exterior design or appearance of the project as approved by the Director, and which are deemed necessary by the Department of Building & Safety for Building Code compliance, shall require a referral of the revised plans back to the Department of City Planning for additional review and sign-off prior to the issuance of any permit in connection with those plans.
29. **Enforcement.** Compliance with and the intent of these conditions shall be to the satisfaction of the Department of City Planning.
30. **Expiration.** In the event that this grant is not utilized within three years of its effective date (the day following the last day that an appeal may be filed), the grant shall be considered null and void. Issuance of a building permit, and the initiation of, and diligent continuation of, construction activity shall constitute utilization for the purposes of this grant.
31. **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, of 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.

FINDINGS

SITE PLAN REVIEW FINDINGS

- 1. The project is in substantial conformance with the purposes, intent and provisions of the General Plan, applicable community plan, and does not conflict with any applicable regulations, standards, and any applicable specific plan.**

The elements in the General Plan establish policies and provide the regulatory environment for managing the city and for addressing concerns and issues. The majority of the policies derived from the elements in the General Plan are in the form of Code Requirements, which collectively form the LAMC. With the exception of the requested waiver of street dedication and improvements herein, the project does not propose to deviate from any of the requirements of the LAMC.

General Plan Framework

The Framework Element for the General Plan (Framework Element) was adopted by the City of Los Angeles in December 1996 and re-adopted in August 2001. The Framework Element provides guidance regarding policy issues for the entire City of Los Angeles, including the project site. The Framework Element also sets forth a Citywide comprehensive long-range growth strategy and defines Citywide policies regarding such issues as land use, housing, urban form, neighborhood design, open space, economic development, transportation, infrastructure, and public services. The Framework Element includes the following goals, objectives, and policies relevant to the Proposed Project:

Goal 3A: A physically balanced distribution of land uses that contributes towards and facilitates the City's long-term fiscal and economic viability, revitalization of economically depressed areas, conservation of existing residential neighborhoods, equitable distribution of public resources, conservation of natural resources, provision of adequate infrastructure and public services, reduction of traffic congestion and improvement of air quality, enhancement of recreation and open space opportunities, assurance of environmental justice and a healthful living environment, and achievement of the vision for a more livable city.

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

Objective 3.2: Provide for the spatial distribution of development that promotes an improved quality of life by facilitating a reduction of vehicular trips, vehicle miles traveled, and air pollution.

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

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

Goal 5A: A livable City for existing and future residents and one that is attractive to future investment. A City of interconnected, diverse neighborhoods that builds on the strengths of those neighborhoods and functions at both the neighborhood and citywide scales.

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

Policy 5.2.2: Encourage the development of centers, districts, and selected corridor/boulevard nodes such that the land uses, scale, and built form allowed and/or encouraged within these areas allow them to function as centers and support transit use, both in daytime and nighttime. Additionally, develop these areas so that they are compatible with surrounding neighborhoods.

Policy 5.2.3: Encourage the development of housing surrounding or adjacent to centers and along designated corridors, at sufficient densities to support the centers, corridors, and the transit system.

The proposed mixed-use Project supports the needs of the City's existing and future residents by providing 331 new dwelling units designed in a variety of configurations and sizes to serve the needs of the City. The new residents would be located near some of the region's most frequented retail, dining, and entertainment destinations, job opportunities, and a variety of transit options, including the Metro Rapid Bus Line on Fairfax Avenue and several Metro Bus Lines on Fairfax Avenue and 3rd Street. The bus lines on Fairfax Avenue are accessible to the employment center located along Wilshire

Boulevard in addition to the future Metro Rail Station to be located approximately one-half mile away at Fairfax Avenue and Wilshire Boulevard. These transit options afford residents the opportunity to reduce vehicular trips and vehicle miles traveled. The neighborhood surrounding Fairfax Avenue and 3rd Street is developed with commercial businesses that serve the community. The existing commercial and mixed-use neighborhood would be conserved and enhanced with the development of multi-family housing in a mixed-use development. The Project would not demolish any existing dwelling units and would be buffered from nearby residentially zoned neighborhoods by immediately surrounding, non-residential uses. The Project would be built to scale with the surrounding neighborhood, which is planned to facilitate and encourage this type of mixed-use development. All of these factors combined contribute toward and facilitate the City's long-term economic viability and vision of a more livable city.

Land Use Element – Wilshire Community Plan

The Project Site is located within the Wilshire Community Plan Area. The adopted Community Plan designates the subject property for Community Commercial land uses corresponding to the CR, C2, C4, P, PB, RAS3, RAS4, P, and PB Zones. The subject property is zoned C2-1-O and is thus consistent with the existing land use designation. The site is located within an "O" Oil Drilling Supplemental Use District where the drilling of oil wells or the production from the wells of oil, gases, or other hydrocarbon substances is permitted pursuant to LAMC Section 13.01. However, neither the existing or proposed uses involve oil drilling or production. As such, the provisions of said code section do not apply to the Project Site. The Project Site is not located within any specific plan or community design overlay.

The uses proposed as part of the requested development, including multi-family residential and commercial and retail space, are all permitted in the C2 Zone. In conjunction with the requests herein, the project would be in substantial conformance with the General Plan as it is reflected within the Wilshire Community Plan. The development of the project represents the opportunity to achieve the overarching goals, objectives, and policies of the Wilshire Community Plan, as follows:

Goal 1: Provide a safe, secure, and high quality residential environment for all economic, age, and ethnic segments of the Wilshire community.

Objective 1-1: Provide for the preservation of existing quality housing, and for the development of new housing to meet the diverse economic and physical needs of the existing residents and expected new residents in the Wilshire Community Plan Area to the year 2010.

Policy 1-1.1: Protect existing stable single family and low density residential neighborhoods from encroachment by higher density residential uses and other uses that are incompatible as to scale and character, or would otherwise diminish quality of life.

Policy 1-1.3: Provide for adequate Multiple Family residential development.

Objective 1-2: Reduce vehicular trips and congestion by developing new housing in close proximity to regional and community commercial centers, subway stations and existing bus route stops.

Policy 1-2.1: Encourage higher density residential uses near major public transportation centers.

Policy 1-4.1: Promote greater individual choice in type, quality, price and location of housing.

Policy 1-4.2: Ensure that new housing opportunities minimize displacement of residents.

Policy 1-4.3: Encourage multiple family residential and mixed use development in commercial zones.

The creation of 331 dwelling units on a site that is primarily occupied by surface parking areas and outdated commercial buildings results in a development that provides a safe and secure environment by activating the streets with a 24-hour per day population. The new 331 units would provide a supply of much needed housing to meet the needs of a diverse group of potential residents in proximity to several public transit options. The availability of convenient public transit is likely to encourage many residents to reduce their vehicular trips while affording easy access to employment centers, schools, shopping, entertainment and dining opportunities.

Goal 2: Encourage strong and competitive commercial sectors which promote economic vitality and serve the needs of the Wilshire community through well-designed, safe and accessible areas, while preserving historic and cultural character.

Objective 2-1: Preserve and strengthen viable commercial development and provide additional opportunities for new commercial development and services within existing commercial areas.

Policy 2-1.1: New commercial uses should be located in existing established commercial areas or shopping centers.

Policy 2-1.2: Protect existing and planned commercially zoned areas, especially in Regional Commercial Centers, from encroachment by standalone residential

development by adhering to the community plan land use designations.

Objective 2-2: Promote distinctive commercial districts and pedestrian-oriented areas.

Policy 2-2.3: Encourage the incorporation of retail, restaurant, and other neighborhood serving uses in the first floor street frontage of structures, including mixed use projects located in Neighborhood Districts.

The commercial component of the mixed-use project would promote the economic vitality and serve the needs of the Wilshire Community. The proposed development of the mixed-use project would protect this commercially zoned area from a stand-alone residential development. The presence of residents in 331 new residential units in a mixed-use project would, however, preserve and strengthen viable commercial development and create new opportunities for retail businesses that would serve the existing neighborhood and support the needs of new local residents, while remaining compatible with the neighborhood. Introducing a new mixed-use project with residential units and retail spaces would serve to promote a distinctive commercial district while simultaneously stimulating pedestrian activity and street activation. The Project would replace an outdated commercial center and surface parking with 83,994 square feet of newly constructed commercial, retail and restaurant space within a modern mixed-use building, thereby strengthening viable commercial development and encouraging a strong and competitive commercial sector within a commercially-zoned parcel. Moreover, the Project would enhance the pedestrian-oriented environment by removing a significant portion of the surface parking and replacing it with a new commercial building oriented to the street.

Housing Element

The Housing Element of the General Plan will be implemented by the recommended action herein. The Housing Element is the City's blueprint for meeting housing and growth challenges. It identifies the City's housing conditions and needs, reiterates goals, objectives, and policies that are the foundation of the City's housing and growth strategy, and provides the array of programs the City has committed to implement to create sustainable, mixed-income neighborhoods across the City. The Housing Element contains the following goals and objectives:

Goal 1: A City where housing production results in an ample supply of housing to create more equitable and affordable options that meet existing and projected needs.

Objective 1.2: Facilitate the production of housing, especially projects that include Affordable Housing and/or meet Citywide Housing Priorities.

Policy 1.2.2: Facilitate the construction of a range of different housing types that addresses the particular needs of the city's diverse households.

The Housing Element encourages new construction of a range of different housing types that address the needs of the City's diverse households. The proposed development included a mix of unit typologies from studios to three-bedroom units geared to various income levels and generations on a site that currently does not provide any housing. The Project would preserve existing housing stock, as it would not demolish any existing dwelling units or displace existing residents.

Mobility Element

The Mobility Plan 2035 (Adopted August 11, 2015) is "*an update to the City's General Plan Transportation Element (last adopted in 1999)*" ... and, "... incorporates 'complete streets' principles and lays the policy foundation for how future generations of Angelenos interact with their streets." (Mobility Plan 2035, Page 13). In conjunction with the approval of the requested Waiver of Dedication and Improvements, the project would continue to observe right-of-way improvements consistent with abutting development along 3rd Street, Fairfax Avenue, and Ogden Drive.

Furthermore, the project meets the following goals and objectives of Mobility Plan 2035:

Policy 2.3: Recognize walking as a component of every trip, and ensure high-quality pedestrian access in all site planning and public right-of-way modifications to provide a safe and comfortable walking environment.

The project would encourage pedestrian activity as a result of the commercial space to be located on the ground floor. The design of the project would enhance the pedestrian experience with landscaping, open space and other improvements, resulting in a safe and comfortable walking environment for area residents and visitors.

Policy 3.1: Recognize all modes of travel, including pedestrian, bicycle, transit, and vehicular modes - including goods movement - as integral components of the City's transportation system.

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

Policy 3.4: Provide all residents, workers and visitors with affordable, efficient, convenient, and attractive transit services.

Policy 3.5: Support "first-mile, last-mile solutions" such as multi-modal transportation services, organizations, and activities in the areas around transit stations and major bus stops (transit stops) to maximize multi-modal connectivity and access for transit riders.

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

The project's proximity to existing Metro Rapid and Local bus routes as well as future Metro rail will reduce vehicular trips to and from the project, vehicle miles traveled, and improve air pollution; and its ground floor treatment will encourage pedestrian activity

within an active commercial district through pedestrian-friendly design. In addition, the project will provide Code-required bicycle parking supporting “first-mile, last-mile solutions”, enabling residents and visitors improved access to the project. The project site is also situated in a location with proximate access to numerous jobs, destinations, and other neighborhood services, including The Grove and other nearby retail uses along 3rd Street and Fairfax Avenue

As such, the project is in substantial conformance with the purposes, intent and provisions of the General Plan and Wilshire Community Plan.

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

The Project would involve the construction and operation of a new mixed-use development within the eastern portion of an existing shopping center site that is currently developed with retail and commercial uses and surface parking. The proposed development activities would be limited to the eastern portion of the Project Site and include the demolition of 151,048 square feet of existing retail uses and the construction of a mid-rise, eight-story mixed-use structure with two levels of subterranean parking, for a maximum height of 100 feet. The residential component of the Proposed Project would include up to 331 multi-family dwelling units and 83,994 square feet of newly developed commercial space for a total new floor area of 426,994 square feet. The western portion of the Project Site would remain and is not proposed to be demolished, altered, or developed as part of the Project.

The Project will be compatible with existing and future development on neighboring properties, which include commercial/retail uses, multi-family residential uses, a school, offices, and surface parking lots. The Project Site is in a heavily urbanized area developed with a variety of other similar and compatible uses and is zoned and designated to allow the uses proposed. Accordingly, the project has been designed such that its significant features and improvements will be compatible with the surrounding area, as follows:

Height, Bulk, and Setbacks

Arrangement of the Project’s building and site features, including bulk, massing, height, and setbacks, will be compatible with surrounding development. The Project comprises an eight-story building with 331 dwelling units, approximately 83,994 square feet of commercial space, two subterranean parking levels, and three above-grade parking levels with frontage along Fairfax Avenue, 3rd Street, and Ogden Drive.

In terms of bulk and massing, the Project will be arranged in a manner similar to other development in its vicinity. Projects in this area, such as Palazzo or Villas at Park La Brea, are mid-rise structures with their residential floor area evenly distributed across their lots. This Project will follow a similar arrangement. The building’s frontage on 3rd Street will mostly feature pedestrian-oriented, low-rise, small-scale retail, a typology already seen immediately to the west of the Project Site along 3rd Street. Set back across the landscaped parking lot from the street frontages will be larger-format retail stores, situated in a manner similar to other larger stores in the immediate area such as Ross, The Container Store, and the property as it exists currently. Its massing is broken by variety in articulation and materiality.

The Project provides a 30-foot side yard along the southern property line where the Development Site abuts the neighboring elementary school. This exceeds the LAMC requirement for an 11-foot side yard for the proposed development. In addition, the Project is conditioned to provide a landscaped buffer at the fourth floor outdoor residential area abutting the school, and is prohibited from allowing south-facing balconies along the southern façade, in order to provide additional buffering and privacy for the school. In accordance with the mixed-use yard exception outlined in LAMC Section 12.22-A,18(c)(3), the Project is not required to have, and will not provide, front yards along Fairfax Avenue and Ogden Drive and a side yard along 3rd Street where the Project faces the street.

Off-Street Parking Facilities and Loading Areas

The Project meets the automobile parking requirements of the Code and provides all of its 996 automobile parking spaces on-site. While some of the existing retail surface parking will remain, the automobile parking spaces serving the new mixed-use building will be located below-grade or, where they are above-grade, will be blocked from exterior view by retail uses, residential uses, or screening. In addition, the Project will provide an internal pedestrian paseo running from Ogden Drive through the Development Site connecting to the existing retail to remain on the western portion of the Project Site. This paseo will improve pedestrian permeability and accessibility of the Project Site. As conditioned, the paseo will also provide pedestrian-friendly components to activate the portion which traverses through the above-grade parking garage such as an arts program and pedestrian-scaled lighting.

Long-term residential and commercial bicycle parking spaces will be secured in the first subterranean P1 level. Short-term bicycle parking spaces will be located at the residential entrance and along retail frontages to be consistent with LAMC bicycle parking regulations.

The two new loading areas (both with trash pick-up) will be located next to each other on-site and accessible from Ogden Drive. These areas are situated to minimize visibility from surrounding properties to the greatest extent feasible. Locating these areas on-site will minimize disruptions to traffic flow, as service trucks will be parked within the Project and not on the street.

Lighting

Lighting will be provided per LAMC requirements. The project is conditioned to provide outdoor lighting that shines downward, is installed with shielding, and is directed on the Project Site, so that the light source does not directly illuminate any adjacent properties or the above night skies.

Landscaping

The Project is designed to comply with all landscaping requirements of the LAMC. As shown on the "Exhibit A" plans, landscaping elements would be incorporated into the ground floor areas fronting 3rd Street, Ogden Drive and within the courtyard between the mixed-use building and the existing retail uses to remain on the western portion of the Project Site. Landscaped residential open space areas would also be provided within the 4th, 5th, and 7th Levels of the proposed building. Additionally, all open areas not used for

buildings, driveways, parking areas, recreational facilities or walkways are to be landscaped and maintained in accordance with a landscape plan to be approved by the Director of Planning or their designee, as conditioned.

Trash Collection

Trash enclosures will be located on the ground floor near the commercial loading areas and will be entirely enclosed and on-site. The location of the trash enclosures facilitates street access along Ogden Drive while minimizing potential impacts on neighboring properties and, accordingly, will not adversely affect existing and future development nearby.

For the reasons stated above, the Project and its pertinent improvements will be compatible with existing and future development on neighboring properties.

3. Any residential project provides recreational and service amenities in order to improve habitability for the residents and minimize impacts on neighboring properties.

The Proposed Project will redevelop the site with 331 residential dwelling units consisting of a combination of studio, one-bedroom, two-bedroom, and three-bedroom units. Pursuant to LAMC Section 12.21-G, the project is required to include 37,225 square feet of usable open space and is providing that amount. Common open space will include outdoor courtyards, a roof deck, a pool deck, and amenity rooms. Private open space will be provided via residential balconies, although these areas are not counted in order to meet the minimum LAMC residential open space requirements. Additionally, a minimum of 25 percent of open space would be landscaped with a variety of drought-tolerant plant species and 83 on-site trees would be provided (at a ratio of one tree for every four dwelling units) in accordance with LAMC requirements.

As shown on the "Exhibit A" plans, landscaping elements would be incorporated into the ground floor areas fronting 3rd Street, Ogden Drive and within the courtyard between the mixed-use building and the existing retail uses on the Project Site. Landscaped residential open space areas would be provided within the 4th, 5th, and 7th Levels of the proposed building. The 4th Level roof deck would be improved with residential amenities including a swimming pool and poolside deck areas. The southern portion of the 4th Level roof deck would include a setback from the southern building edge and a landscaped screening element to reduce noise and screen views onto the neighboring school playground. The 5th Level roof deck provides two courtyards surrounded by the residential units and overlooks 3rd Street with a terrace on the western façade. The Level 7 roof deck would be positioned to the north, fronting 3rd Street and would include outdoor tables and lounge areas. Additionally, the ground floor level provides hardscaped and pedestrian pass-through access, separated from parking areas for safety, from Ogden Drive to the new uses on the Development Site.

As proposed, the Project will be providing open space compliant with the zoning code and has programmed the spaces to take into consideration the varying recreational needs of the future residents of the proposed building. As such, the project has provided recreational and service amenities to improve the habitability for its residents and minimize impacts on neighboring properties.

WAIVER OF DEDICATION AND IMPROVEMENT FINDINGS

4. Pursuant to LAMC Sections 12.37-1,2(b) and 12.37-1,3, the Director may waive, reduce or modify the required dedication or improvement as appropriate after making any of the following findings, based on substantial evidence in the record:
- a. *The dedication or improvement requirement does not bear a reasonable relationship to any project impact;*
 - b. *The dedication or improvement is not necessary to meet the City's mobility needs for the next 20 years based on the guidelines the Street Standards Committee has established; or*
 - c. *The dedication or improvement requirement is physically impractical.*

In this case, the Director can make both Findings “a” and “c” even though only one finding is required pursuant to the LAMC to grant the requested WDI. The Director finds, based on substantial evidence in the record that:

- a. **The dedication or improvement does not bear a reasonable relationship to any project impact.**

The Project construction and operation would only occur within a 3.51-acre portion of the 7.15-acre Project Site, on the eastern half of the Project Site. The development footprint and extent of physical disturbances associated with the discretionary approvals would remain solely within the 3.51-acre Development Site boundary, located along Ogden Drive, and the eastern portion of 3rd Street. The western half of the Project Site, however, would remain and is not proposed to be demolished, altered, or developed as part of the Project.. No development would occur along the Fairfax Avenue frontage or the western portion of the 3rd Street frontage. Due to the large scale of the single 7.15-acre lot, it would be unreasonable to require street dedications and improvements for over 536 linear feet of frontage on Fairfax Avenue and 267 linear feet of frontage on 3rd Street, where no Project development is occurring. Accordingly, the Project should only be subject to all applicable improvement requirements along the Development Site, including those areas adjacent to the new structures and along the roadway frontages on Ogden Drive (418'-7" linear feet) and a portion of 3rd Street (381'-8" linear feet). These dedication and improvement areas bear a reasonable relationship to the Project and therefore would be fulfilled as part of any Project permitting requirements.

The Draft EIR analyzed all impacts associated with the Project and determined that it would have no significant environmental effects relating to traffic, circulation, transit operations, or pedestrian movements. The Draft EIR considered that the western portion of the Project Site – including the sidewalks and street frontages – would remain as is and would not be demolished, altered, or developed as part of the Project. The Draft EIR contains substantial evidence and concluded that the Project has no significant impacts on the environment and does not otherwise impact the western portion of the site. Therefore, the dedication or improvement requirement (for the western portion of the site) does not bear a reasonable relationship to any Project impact; dedication and improvement requirements need not apply to such portion of the Project Site.

c. The dedication or improvement requirement is physically impractical.

The Project would not modify any structures on the western portion of the 7.15-acre site or change any existing conditions of the sidewalks or public rights-of-way. The existing structures, setback and frontage conditions would remain as is, including the placement of existing structures located along Fairfax Avenue and the western portion of the 3rd Street. Therefore, the dedications along Fairfax Avenue and the western stretch of 3rd Street, abutting the portion of the Project Site outside of the Development Site, are physically impractical because some of the existing structures would be located in areas subject to street dedication and improvement. Both frontages contain existing buildings and site features that would be located within the otherwise required 13-foot dedication areas along Fairfax Avenue and 3rd Street and, thus, physically prevent implementation of consistent right-of-way widenings or improvements. These buildings and site features include the retail building housing CVS pharmacy (fronting Fairfax Avenue at the southwest corner of the site), the bank building housing Citibank (fronting Fairfax Avenue and 3rd Street at the northwest corner of the site), and existing parking, hardscape, and landscape areas. In order to accommodate the dedications and improvements, either the structures and improvements would need to be demolished or removed, or dedicated areas would need to be created a sawtooth configuration and inconsistent width to accommodate each existing building. Therefore, the dedication and improvement requirements in this area are physically impractical.

ENVIRONMENTAL FINDINGS

CEQA FINDINGS

I. Introduction.

This Environmental Impact Report (EIR), consisting of the Draft EIR and the Final EIR, is intended to serve as an informational document for public agency decision-makers and the general public regarding the objectives and environmental impacts of the 3rd and Fairfax Mixed-Use Project (Project or Proposed Project). The Project is located at 300-370 South Fairfax Avenue; 6300-6370 West 3rd Street; and 347 South Ogden Drive, Los Angeles, California 90036 (Project Site). The Project Site is currently developed with retail and commercial uses known as the Town & Country Shopping Center (Center or Project Site). The Project would redevelop the eastern portion of the Center, which is referred to in the EIR as the Development Site. The Project would include the demolition of 151,048 square feet of existing retail uses and the construction of a mid-rise, eight-story mixed-use structure with 331 multi-family dwelling units and 83,994 square feet of newly developed commercial space for a total new floor area of 426,994 square feet. The western portion of the Project Site would remain, and is not proposed to be demolished, altered, or developed as part of the Proposed Project.

The City of Los Angeles (City), as Lead Agency, has evaluated the environmental impacts of implementation of the Project by preparing an environmental impact report (EIR) (Case Number ENV-2018-2771-EIR/State Clearinghouse No. 2019029111). The EIR was prepared in compliance with the California Environmental Quality Act of 1970 (CEQA), Public Resources Code (PRC) Section 21000 et seq. and the California Code of Regulations Title 15, Chapter 6 (CEQA Guidelines). The findings discussed in this document are made relative to the conclusions of the EIR.

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

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

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

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

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

The findings provided below include the following:

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

With respect to a project for which significant impacts are not avoided or substantially lessened either through the adoption of feasible mitigation measures or feasible environmentally superior alternatives, a public agency, after adopting proper findings based on substantial evidence, may nevertheless approve the project if the agency first adopts a statement of overriding considerations setting forth the specific reasons why the agency found that the project's benefits rendered acceptable its unavoidable adverse environmental effects. (CEQA Guidelines Sections 15093, 15043[b]; see also CEQA § 21081[b].) As demonstrated in the Draft EIR and Final EIR, after implementation of feasible mitigation measures, the Project does not result in any significant and unavoidable impacts and therefore the City is not required to adopt a statement of overriding consideration in this case.

II. Environmental Review Process.

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

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

Notice of Preparation. Pursuant to the provisions of Section 15082 of the State CEQA Guidelines, the City then circulated a Notice of Preparation (NOP) to State, regional and local agencies, and members of the public for a 30-day period commencing on February 20, 2019 and ending on March 22, 2019. The NOP also provided notice of a Public Scoping Meeting held on March 6, 2019. The purpose of the NOP and Public Scoping Meeting was to formally inform the public that the City was preparing a Draft EIR for the Project, and to solicit input regarding the

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

Draft EIR. The Draft EIR evaluated in detail the potential effects of the Project. It also analyzed the effects of a reasonable range of alternatives to the Project, including a “No Project” alternative. The Draft EIR for the Project (State Clearinghouse No. 2019029111) incorporated herein by reference in full, was prepared pursuant to CEQA and State, Agency, and City CEQA Guidelines (City of Los Angeles California Environmental Quality Act Guidelines). The Draft EIR was circulated for a 45-day public comment period beginning on February 11, 2021 and ending on March 29, 2021. A Notice of Availability (NOA) was distributed on February 11, 2021 to all property owners within 500 feet of the Project Site and interested parties, which informed them of where they could view the document and how to comment. The Draft EIR was available to the public at the City of Los Angeles, Department of City Planning. A copy of the document was also posted online at <https://planning.lacity.org> and notices were filed with the County Clerk.

Notice of Completion. A Notice of Completion was sent with the Draft EIR to the Governor’s Office of Planning and Research State Clearinghouse for distribution to State Agencies on February 10, 2021 and notice was provided in newspapers of general and/or regional circulation.

Final EIR. The City released a Final EIR for the Project on December 29, 2021, which is hereby incorporated by reference in full. The Final EIR constitutes the second part of the EIR for the Project and is intended to be a companion to the Draft EIR. The Final EIR also incorporates the Draft EIR by reference. Pursuant to Section 15088 of the CEQA Guidelines, the City, as Lead Agency, reviewed all comments received during the review period for the Draft EIR and responded to each comment in Section II, Responses to Comments, of the Final EIR. On December 29, 2021 responses were sent to all public agencies that made comments on the Draft EIR at least 10 days prior to certification of the EIR pursuant to CEQA Guidelines Section 15088(b). Notices regarding availability of the Final EIR were also sent to anyone who commented on the Draft EIR, and interested parties.

III. Record of Proceedings.

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

- All Project plans and application materials including supportive technical reports;
- The Draft EIR and Appendices, and Final EIR and Appendices, and all documents relied upon or incorporated therein by reference;
- The Mitigation Monitoring Program (MMP) prepared for the Project;
- The City of Los Angeles General Plan and related EIR;
- The Southern California Association of Governments (SCAG)’s 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) and related EIR (SCH No. 2019011061));

- Municipal Code of the City of Los Angeles, including but not limited to the Zoning Ordinance and Subdivision Ordinance;
- All records of decision, resolutions, staff reports, memoranda, maps, exhibits, letters, minutes of meetings, summaries, and other documents approved, reviewed, relied upon, or prepared by any City commissions, boards, officials, consultants, or staff relating to the Project;
- Any documents expressly cited in these Findings of Fact, in addition to those cited above; and
- Any and all other materials required for the record of proceedings by PRC Section 21167.6(e).

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

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

- Los Angeles Central Library—630 West Fifth Street, Los Angeles, CA 90071
- Fairfax Branch Library - 161 S. Gardner Street, Los Angeles, CA 90036
- John C. Fremont Branch Library, 6121 Melrose Avenue, Los Angeles, CA 90038
- Memorial Branch Library, 4625 W. Olympic Boulevard, Los Angeles, CA 90019

IV. Project Description The Proposed Project would involve the construction and operation of a new mixed-use development within the eastern portion of the existing Town & Country Shopping Center (Center or Project Site) that is currently developed with retail and commercial uses. The proposed development activities would be limited to the eastern portion of the Center (referred to as the Development Site in the Draft EIR) and would include the demolition of 151,048 square feet of existing retail uses and the construction of a mid-rise, eight-story mixed-use structure with two levels of subterranean parking, for a maximum height of 100 feet. The residential component of the Proposed Project would include up to 331 multi-family dwelling units and 83,994 square feet of newly developed commercial space for a total new floor area of 426,994 square feet. The western portion of the Project Site would remain and is not proposed to be demolished, altered, or developed as part of the Proposed Project. In conjunction with the existing 63,688 square feet of commercial and retail uses to remain, the Project Site would include approximately 147,682 square feet of commercial retail space, for a total of 490,682 square feet of development and a Floor Area Ratio (FAR) of 1.5 to 1.

V. No Impact or Less than Significant without Mitigation

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

environmental impacts contained in the EIR. The City ratifies, adopts, and incorporates the analysis, explanation, findings, responses to comments, and conclusions of the EIR.

Impact Summary

Aesthetics

The Proposed Project qualifies as an infill project within a transit priority area (TPA), as defined by SB 743 and confirmed by ZI File No. 2452, and accordingly, any potential aesthetics impacts of the Proposed Project are not considered to be significant. (Refer to the Initial Study, Section 4(I) Aesthetics, checklist questions (a) through (d), at pages 40-43.)

Agriculture and Forestry Resources

The Initial Study concluded that because no farmland or agricultural activity exists on the Project Site, nor are there any farmland, agricultural, or forestland activities in the vicinity of the Project Site, no impact to agricultural lands or forestry resources would occur. (Refer to the Initial Study, Section 4(II) Agriculture and Forestry Resources, checklist questions (a) through (e), at pages 43-44.)

Air Quality

The Proposed Project would not conflict with or obstruct implementation of the applicable air quality plan; would not generate a cumulatively considerable increase in emissions of the pollutants for which the Basin is in non-attainment; and would not expose sensitive receptors to substantial pollutant concentrations.

The Proposed Project is an infill development near transit within an existing urbanized area that would concentrate new residential uses within a SCAG-designated High Quality Transit Area (HQTa). Thus, the Proposed Project advances regional goals to reduce VMT and related air emissions. Moreover, the Proposed Project would not exceed any SCAQMD significance thresholds for air quality emissions, and thus would not increase the frequency of air quality violations.

This Draft EIR quantitatively analyzed regional emissions of ROG, NO_x, CO, SO₂, PM₁₀ and PM_{2.5} and localized concentrations of NO₂ as NO_x, CO, PM₁₀, and PM_{2.5} for daily emissions during construction to ascertain potential effects and to determine if there is a potential for such emissions to cause or affect a violation of an applicable ambient air quality standard. As shown in Table IV.A-7 and Table IV.A-9, neither regional nor localized construction emissions would exceed the applicable significance thresholds.

In addition, the Draft EIR also quantitatively analyzed potential regional operational emissions and localized operational emissions from on-site activities. As shown in Table IV.A-8 and Table IV.A-10, neither regional operational nor localized operational impacts would exceed the applicable thresholds of significance. As such, the Proposed Project would not increase the frequency or severity of existing air quality violations, cause or contribute to new air quality violations, or delay timely attainment of air quality standards or the interim emission reductions specified in the AQMP.

The Proposed Project would not introduce substantial stationary sources of emissions. CO is the preferred benchmark pollutant for assessing local area air quality impacts from post-construction motor vehicle operations. (Refer to Section IV.A, Air Quality (3)(d), at pages IV.A-46 through IV.A-71, of the Draft EIR.)

Additionally, as discussed in the Initial Study, no objectionable odors are anticipated as a result of either construction or operation of the Proposed Project as it would not include land uses associated with odor complaints. (Refer to the Initial Study, Section 4(III) Air Quality, checklist question (d) at page 47.)

Project Design Features

AQ-PDF-1: Where power poles are available, electricity from power poles and/or solar-powered generators rather than temporary diesel or gasoline generators will be used during construction.

Biological Resources

The Proposed Project would not conflict with an adopted or approved local, regional, or state habitat conservation plan. The Proposed Project would not have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service. (Refer to the Initial Study, Section 4(IV) Biological Resources, checklist questions (a) through (f), at pages 47-50).

Cultural Resources

As discussed in the Initial Study, Section 4(V) Cultural Resources, the Proposed Project would have no significant direct impacts on historical resources, as there are no such resources located on the Project Site. Additionally, the Proposed Project would have a less than significant impact on the potential historical resources in the study area. Unknown human remains could be found on the Project Site during construction activities, particularly during the grading/excavation phase; however, compliance with regulatory compliance measures would ensure any potential impacts related to the disturbance of unknown human remains, including those interred outside of dedicated cemeteries, would be less than significant. (Refer to the Initial Study, Section 4(V) Cultural Resources, checklist questions (a) and (c), at pages 51-52 and page 56).

Energy

The Proposed Project would not cause wasteful, inefficient, and unnecessary consumption of energy during the construction and operation. Additionally, the Proposed Project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency. (Refer to Section IV.B Energy (3)(d), at pages IV.B-21 through IV.B-43, of the Draft EIR.)

Project Design Features

See AQ-PDF-1 (above) and GHG-PDF-1 (below).

Geology and Soils

The Proposed Project can be developed from a geotechnical engineering standpoint, provided that the Proposed Project would comply with the recommendations specified in the Geotechnical Investigation Report and to the satisfaction of the Department of Building and Safety (LADBS). Thus, with compliance with regulatory measures, construction and operation of the Proposed Project would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury or death involving soil instability, strong seismic ground shaking, and erosion

or loss of topsoil (Refer to the Initial Study, Section 4(VII) Geology and Soils, checklist questions (a) through (e), at pages 58-63.)

Greenhouse Gas Emissions

The Proposed Project would not conflict with any applicable plan, policy, or regulation of an agency adopted for the purpose of reducing emissions of Greenhouse Gases (GHG). With respect to emissions, by furthering implementation of SB 375, the Proposed Project supports regional land use and transportation GHG reductions consistent with State climate targets for 2020 and beyond. The Proposed Project's post-2030 emissions trajectory is expected to follow a declining trend, consistent with the 2030 and 2050 targets and Executive Orders S-3-05 and B-30-15. (Refer to Section IV.C Greenhouse Gas Emissions (3)(d), at pages IV.C-46 through IV.C-66, of the Draft EIR.)

Project Design Features

PDF-GHG-1: The Proposed Project will not include any hearths and/or fireplaces within any of the residential units.

PDF-GHG-2: The Proposed Project will provide a pedestrian portal through the parking level on the ground floor to facilitate a safe pedestrian access from S. Ogden Drive to the Center parking lot.

Hazards and Hazardous Materials

The Proposed Project is not located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would not create a significant hazard to the public or the environment caused in whole or in part from exacerbation of existing environmental conditions. The Project Site is not within the vicinity of an airport land use plan, and no impacts involving airport-related safety hazards would occur. The Project Site is not located in a Very High Fire Hazard Severity Zone and would not expose people or structures to a significant risk of loss, injury, or death involving wildland fires. (Refer to the Initial Study, Section 4(IX) Hazardous and Hazardous Materials, checklist questions (d), (e) and (g), at pages 71-72.)

Hydrology and Water Quality

Through compliance with applicable City grading regulations, and treatment of dewatering water prior to discharge, the Proposed Project would not violate any water quality standards or waste discharge requirements, or otherwise substantially degrade surface or groundwater quality during construction. During operation, appropriate Low Impact Development (LID) Stormwater Quality Control Measures will be implemented. The Proposed Project would not decrease groundwater supplies or interfere substantially with groundwater recharge. In addition, the Proposed Project would not create or contribute runoff water which would exceed the capacity of the existing storm drain system, nor is there a risk of release of pollutants due to inundation of the Project Site. (Refer to the Initial Study, Section 4(X) Hydrology and Water Quality, checklist questions (a) through (e) at pages 72-77.)

Land Use and Planning

The Proposed Project's land uses are permitted uses in the C2 zone and would, therefore, remain compatible with the surrounding land uses. Thus, the Proposed Project would not have the potential to physically divide an established community. (Refer to the Initial Study, Section 4(XI) Land Use and Planning, checklist questions (a) at page 77.)

The Proposed Project would not conflict with applicable regional or local land use plans, policies, and zoning adopted for the purpose of avoiding or mitigating an environmental effect. (Refer to Section IV.E Land Use and Planning, (3)(d), at pages IV.E-19 through IV.E-33, of the Draft EIR.)

Mineral Resources

The Project Site is not located within a Mineral Resource Zone Area (MRZ-2) and is not used for mineral extraction. No mineral resources or mineral extraction activities currently exist on the Project Site. The development of the Proposed Project would not result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state; nor would it result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan. (Refer to the Initial Study, Section 4(XII) Mineral Resources, checklist questions (a) and (b), at page 79.)

Noise

The Proposed project would not expose people residing or working in the project area to excessive noise levels associated with a public airport or public use airport. No impact would occur with respect to noise levels from airports and private airstrips. (Refer to the Initial Study, Section 4(XIII) Noise, checklist question (c), at page 81.)

Population and Housing

The Proposed Project would be consistent with the applicable growth projections of the Southern California Association of Governments (SCAG) 2016-2040 and 2020-2045 Regional Transportation Plan/Sustainable Communities Strategies (RTP/SCS) and with the goals and policies of the General Plan's Housing Element, Framework Element, Wilshire Community Plan, and 2016-2040 and 2020-2045 RTP/SCS. The Proposed Project would not induce substantial unplanned population growth, either directly or indirectly, in the area. (Refer to Section IV.G-10 Population and Housing (3)(d), at pages IV.G-15 through IV.G-25, of the Draft EIR, and pages III-16 to III-20 of the Final EIR.)

The Proposed Project would not displace substantial numbers of existing housing or people and would not necessitate the construction of replacement housing elsewhere. (Refer to the Initial Study, Section 4(XIV) Population and Housing, checklist question (b), at page 82.)

Public Services

The Proposed Project would not result in substantial adverse physical impacts associated with the provision of new or physically altered fire protection, police protection, school, park and recreation, or library facilities, or create a need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts in order to maintain acceptable performance objectives for public services. (Refer to Section IV. H-1 Fire Protection (3)(d), at pages IV.H-15 through IV.H-24; IV.H-2, Police Protection (3)(d), at pages

IV.H-35 through IV.H-43; IV.H-3 Schools (3)(d), at pages IV.H-53 through IV.H-61; IV.H-4 Parks and Recreation (3)(d), at pages IV.H-73 through IV.H-80; and IV.H-5 Libraries (3)(d), at pages IV.H-88 through IV.H-91, of the Draft EIR.)

Project Design Features

PDF-POL-1: During construction, the Project applicant will implement temporary security measures, including security fencing (e.g., chain-link fencing), low-level security lighting, and locked entry (e.g., padlocked gates or guard-restricted access) to limit access by the general public. Regular security patrols during non-construction hours (e.g., nighttime hours, weekends, and holidays) will also be provided.

PDF-POL-2: Prior to the issuance of a building permit, the Project Applicant will submit a diagram of the Project Site to the LAPD Wilshire Area Commanding Officer that includes access routes and any additional information that might facilitate police response.

PDF-POL-3: The Proposed Project will include nighttime security lighting of building entries and walkways, a closed circuit security camera system monitored by on-site professional security, and secure parking facilities with sufficient lighting to maximize visibility and reduce areas of concealment.

See also PDF-Traffic-1

Traffic/Transportation

The Proposed Project would be consistent with all applicable transportation plans, policies, and programs. Development of the Proposed Project would not result in any roadway improvements or incompatible uses such that safety hazards would be introduced adjacent to the Project Site. Furthermore, the design and implementation of new driveways would comply with the City's applicable emergency access requirements as set forth by Los Angeles Department of Transportation (LADOT) and the Los Angeles Fire Department (LAFD). The Proposed Project design would also be reviewed by the Department of City Planning, LADBS and the LAFD during the City's plan review process to ensure all applicable requirements are met and therefore, no impacts would occur. (Refer to Section IV.I Transportation (3)(d), at pages IV.I-23 through IV.I-53, of the Draft EIR.)

Project Design Features

PDF-TRAFFIC-1 The Applicant will, prior to construction, develop a Construction Traffic Control/Management Plan (the "Plan") to be approved by LADOT to minimize the effects of construction on vehicular and pedestrian circulation and assist in the orderly flow of vehicular and pedestrian circulation in the area of the Proposed Project. The Plan will identify the location of any roadway closures, traffic detours, haul routes, hours of operation, protective devices, warning signs and access to abutting properties. The Plan will also address the potential conflicts associated with concurrent construction activities of related projects, if applicable.

PDF-TRAFFIC-2 No less than two weeks prior to the initiation of construction activities, the Project Manager for the Proposed Project, or their designee, will notify the Los Angeles Unified School District (LAUSD) Transportation Branch of the expected start and ending dates for various portions of the project that may affect traffic near the campus.

The following language shall be incorporated into the contractor specifications and work program:

- Site access and exit will prohibit construction vehicles and haul trucks from utilizing Colgate Avenue.
- Construction activities will not preclude school buses from having unrestricted access to the campus.
- Construction trucks and other vehicles are required to stop when encountering school buses using red-flashing-lights must-stop-indicators per the California Vehicle Code.
- Contractors will install and maintain appropriate traffic controls (signs and signals) to ensure pedestrian and vehicular safety.
- Contractors will maintain ongoing communication with LAUSD school administrators, providing notice at least two weeks in advance of construction activities to forewarn children and parents when existing vehicle or pedestrian routes to school may be constrained.
- Parents dropping off children will have access to the passenger loading areas on Colgate Avenue fronting Hancock Park Elementary School.

PDF-TRAFFIC-3 The following language will be incorporated into the contractor specifications and work program:

- No staging or parking of construction-related vehicles, including worker-transport vehicles, shall occur on or immediately adjacent to the Hancock Park Elementary School campus.
- Funding for crossing guards at the contractor's expense is required when safety of construction-related activities may affect school crossings.
- Barriers and/or fencing shall be installed to secure construction equipment and to minimize trespassing, vandalism, short-cut attractions, and attractive nuisances.
- Contractors will be required to provide security patrols (at their expense) to minimize trespassing, vandalism, and short-cut attractions.

Public Utilities

The Proposed Project would not require or result in the construction or relocation of new or expanded water, wastewater, electric power, natural gas or telecommunications facilities, the construction or relocation of which could cause significant environmental effects. The Proposed Project would have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years. The Proposed Project would not generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals, and would comply with federal, state and local management and reduction statutes and regulations related to solid waste. (Refer to Section IV.K-1 Water Supply (3)(d), at pages IV.K-29 through IV.K-40; Section IV.K-2 Wastewater (3) (d), at pages IV.K-54 through IV.K-60; Section IV.K-3 Solid Waste (3)(d), at pages IV.K-78 through IV.K-85; and Section IV.-4 Electric Power, Natural Gas and Telecommunications Infrastructure (3) (d), at pages IV.K-93 through IV.K-98.)

Wildfire

The Project Site is located in an urbanized area with no natural vegetation. There are no state responsibility areas or lands classified as Very High Fire Hazard Severity Zones (VHFHSZ) on or near the Project Site. Therefore, the Proposed Project would not subject people or structures to a significant risk of loss, injury, or death as a result of exposure to wildfires. (Refer to the Initial Study, Section 4(XX) Wildfire, checklist questions (a) through (d) at pages 92 and 93.)

VI. Less than Significant Impacts with Mitigation

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

Cultural Resources

Archaeological Resources

Impact Summary

The Archaeological Resources Assessment prepared for the Proposed Project concluded that there are no known archaeological resources present on the Project Site but given the Project's proximity to the La Brea Tar Pits and other natural resources, the Project has a moderate sensitivity for containing unknown Historic-period (non-Native American) archaeological resources and Prehistoric-period or Historic-period Native American archaeological resources. Construction activities on the Development Site would comply with applicable regulatory measures to minimize impacts on known and unknown archaeological resources. In addition, considering the location of the Project Site, and the potential for archaeological resources to be present on it, the Archaeological Resources Assessment contains measures designed to reduce potential impacts to less than significant levels. These measures include retaining a qualified archaeologist, preparing an Archaeological Resources Mitigation Monitoring Program, conducting Worker Environmental Awareness Program Training, and conducting archaeological resources monitoring (MM Arch-1 through MM Arch 4). (Refer to the Initial Study, Section 4(V) Cultural Resources, checklist questions (b) at pages 52-56.)

Project Design Features

No Project Design Features were proposed to address environmental impacts related to archaeological resources.

Mitigation Measures

MM ARCH-1: Retain a Qualified Archaeologist. Prior to the issuance of a demolition permit, the project proponent shall retain a qualified archaeologist, defined as an archaeologist who meets the Secretary of the Interior's (SOI) Standards for professional archaeology, during the excavation phase to carry out and ensure proper implementation of the mitigation measures related to archaeological resources. The qualified archaeologist shall submit a letter of retention to the project proponent and City of Los Angeles Department of City Planning (DCP) no fewer than 15 days before demolition or

excavation activities commence. The letter shall include a resume for the qualified archaeologist that demonstrates fulfillment of the SOI standards.

MM ARCH-2: Prepare an Archaeological Resources Monitoring and Mitigation Program (ARMMP). Prior to the commencement of demolition and excavation, an ARMMP shall be prepared. The components and performance standards for the ARMMP shall include, but not be limited to, a construction worker training program (described in MM Arch-3), monitoring protocol for demolition and excavation activities, discovery and processing protocol for inadvertent discoveries of archaeological resources, and identification of a curation facility should artifacts be collected. The ARMMP shall identify areas that require monitoring, provide a framework for assessing the geoarchaeological setting to determine whether sediments capable of preserving archaeological remains are present, and include a protocol for identifying the conditions under which additional or reduced levels of monitoring (e.g., spotchecking) may be appropriate. The duration and timing of the monitoring shall be determined based on the rate of excavation, geoarchaeological assessment, and, if present, the quantity, type, and spatial distribution of archaeological resources identified. The ARMMP shall also summarize the requirements for tribal coordination in the event of an inadvertent discovery of Native American archaeological resources, including the applicable regulatory compliance measures or conditions of approval for the inadvertent discovery of tribal cultural resources to be carried out in concert. The ARMMP shall be prepared in compliance with Public Resources Code Section 5024.1, Title 14 California Code of Regulations, Section 15064.5 of the CEQA Guidelines, and PRC Sections 21083.2 and 21084.1.

MM ARCH-3: Worker Environmental Awareness Program (WEAP) Training. Before the commencement of initial demolition or excavation at the project site, the retained qualified archaeologist or their designee shall provide a WEAP training to on-site project personnel responsible for supervising demolition and excavation (i.e., foreman or supervisor) and machine operators. The WEAP training shall brief construction crews regarding the regulatory compliance requirements and applicable mitigation measures that must be adhered to during demolition and excavation activities for the protection of archaeological resources. As an element of the WEAP training, the qualified archaeologist or their designee shall advise the construction crews on proper procedures to follow if an unanticipated archaeological resource is discovered during construction. The qualified archaeologist or their designee shall also provide the construction workers with contact information for the qualified archaeologist and their designee(s) and protocols to follow if inadvertent discoveries are made. In addition, workers shall be shown examples of the types of archaeological resources that would require notification of the archaeologist, if encountered. Once the ground disturbances have commenced, the need for additional or supplemental WEAP training shall be determined through consultation with the qualified archaeologist, project proponent or their designated project supervisor. Within 5 days of completing a WEAP training, a list of those in attendance shall be provided by the qualified archaeologist to the project proponent.

MM ARCH-4: Monitor for Archaeological Resources. Before the commencement of demolition or excavation activities, an archaeological monitor shall be present during ground disturbing activities as stipulated in the ARMMP. The qualified archaeologist may designate an archaeologist to conduct the monitoring under their direction. The monitor shall have the authority to temporarily halt or redirect construction activities in soils that are likely to contain potentially significant archaeological resources, as determined by the qualified archaeologist. The monitor shall complete a daily log documenting construction

activities and observations. The field observations shall include assessment of the geoarchaeological setting and whether sediments are identified that are no longer capable or unlikely to contain archaeological material (i.e., sterile), which may be encountered prior to reaching the total depth of excavation expected for the project. If initial archaeological monitoring identifies low archaeological sensitivity (i.e., sterile soil strata) below a certain depth or within a certain portion of the project site, a corresponding reduction of monitoring coverage would be appropriate. In the event that potentially significant archaeological resources are exposed during construction, work in the immediate vicinity of the find (within 8 meters [25 feet]) shall stop until a qualified archaeologist can evaluate the significance of the find. Construction activities may continue in other areas in coordination with the qualified archaeologist. If the discovery is determined by the qualified archaeologist to constitute a "historical resource" pursuant to CEQA Guidelines Section 15064.5(a) or a "unique archaeological resource" pursuant to PRC 21083.2(g), the qualified archaeologist shall coordinate with the project proponent and DCP to develop a formal treatment plan that would reduce impacts to the resource(s). The treatment plan established for the resource(s) shall be in accordance with CEQA Guidelines Section 15064.5(f) for historical resources and Public Resources Code Sections 21083.2(b) for unique archaeological resources. Preservation in place (i.e., avoidance) is the preferred manner of treatment and if it is determined avoidance is not feasible, treatment may include archaeological data recovery (i.e., excavation, laboratory processing and analysis) to remove the resource(s) and reduce potential impacts to less than significant.

Within 14 days of concluding the archaeological monitoring, the qualified archaeologist shall prepare a memo stating that the archaeological monitoring requirement of the mitigation measure have been fulfilled and summarize the results of any archaeological finds. The memo shall be submitted to the project proponent and DCP. Following submittal of the memo, the qualified archaeologist shall prepare a technical report documenting the methods and results of all work completed under the ARMMP, including, if any, treatment of archaeological materials, results of artifact processing, analysis, and research, and evaluation of the resource(s) for the California Register of Historical Resources. Once laboratory analysis is complete, any recovered archaeological materials shall be curated at a public, non-profit research institution that will ensure their long-term preservation and allow access to interested scholars. Should no such institutions accept the materials, they shall be donated to an educational institution or historical society. The format and content of the report shall follow the California Office of Historic Preservation's Archaeological Resource Management Reports (ARMR): Recommended Contents and Format. Any archaeological resources identified shall be documented on appropriate California Department of Parks and Recreation 523-Series Forms. The report shall be prepared under the supervision of a qualified archaeologist and submitted to DCP within 120 days of completion of the monitoring. The final draft of the report shall be submitted to the South Central Coastal Information Center.

Finding

Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.

Rationale for Finding

Mitigation measures Arch-1 through Arch-4 contain performance standards to ensure that any discovered archaeological resources are not significantly impacted. Therefore, regulatory compliance and adherence to these mitigation measures will reduce impacts of the Project to archaeological resources to a less-than-significant level. The basis for this rationale also

incorporates the discussion and analysis in the Initial Study and its Appendix A-C: Archeological Resources Assessment.

Reference

SWCA, Archaeological Resources Assessment for the 6300 W. Third Street Project, Los Angeles, Los Angeles County, CA, February 2019 (Refer to Appendix C of the Initial Study).

Geology and Soils

Paleontological Resources

Impact Summary

The Paleontological Resources Report prepared for the Proposed Project concluded that there are no known paleontological resources present on the Project Site. Construction activities on the Project Site would comply with applicable regulatory measures to minimize impacts on unknown paleontological resources. In addition, considering the location of the Project Site and the potential for paleontological resources to be present on it, the Paleontological Resources Report contains measures designed to reduce potential impacts to less than significant levels. These measures include: retaining a qualified paleontologist, preparing a Paleontological Resources Mitigation Monitoring Program, conducting a worker environmental awareness program, and monitoring for fossil resources (MM PALEO-1 through MM PALEO-4). (Refer to the Initial Study, Section 4(VII) Geology and Soils, checklist questions (f) at pages 63 and 64.)

Project Design Features

No Project Design Features were proposed to address environmental impacts related to paleontological resources.

Mitigation Measures

MM PALEO-1: Retain a Qualified Paleontologist. Prior to the issuance of a grading permit, the project proponent shall retain a qualified paleontologist, defined as a paleontologist who meets the Society of Society of Vertebrate Paleontology (SVP) standards for a Principal Investigator or Project Paleontologist, to carry out all mitigation measures related to paleontological resources. The qualified paleontologist shall submit a letter of retention to the project proponent no fewer than 15 days before any grading or excavation activities commence. The letter shall include a resume for the qualified paleontologist that demonstrates fulfillment of the SVP standards.

MM PALEO-2: Prepare Paleontological Resources Monitoring and Mitigation Program (PRMMP). Before any grading activities start, the qualified paleontologist shall prepare a PRMMP. This program shall contain specific monitoring and mitigation requirements including construction worker training, monitoring protocols, protocol for identifying the conditions under which additional or reduced levels of monitoring (e.g., spot-checking) may be appropriate, fossil salvage and data collection protocols in the event of an unanticipated discovery, curation facilities for any significant fossils that may be salvaged, and a final report summarizing the results of the program. The PRMMP shall adhere to and incorporate the performance standards and practices from the 2010 SVP Standard procedures for the assessment and mitigation of adverse impacts to paleontological resources. The qualified paleontologist shall submit the final PRMMP to the project proponent and the Department of City Planning (DCP) for their records before project excavation activities start.

MM PALEO-3: Worker's Environmental Awareness Program (WEAP). The qualified paleontologist shall develop and oversee implementation of a WEAP to train the construction crew on the requirements for preserving fossil resources, as well as procedures and standards to follow, in the event of a fossil discovery. This training program shall be given to the crew before excavation work commences and shall include documentation for the workers that includes that memorializes the standards and protocols of the WEAP training.

MM PALEO-4: Monitor for Fossil Resources. All ground disturbances in the project site that occur in undisturbed sediments mapped as older alluvium (Qao) shall be monitored. Excavation or any other ground disturbances occurring in the southeast corner of the project site within younger alluvial sediments shall be monitored when the ground disturbances exceed one meter (three feet) in depth. Monitoring shall be conducted by a qualified paleontologist or under the supervision of qualified paleontologist, as stipulated in the PRMMP. The qualified paleontologist may periodically inspect construction activities to adjust the level of monitoring in response to subsurface conditions. Full-time monitoring can be reduced to part-time inspections or stopped entirely if determined adequate by the qualified paleontologist. Paleontological monitoring shall include inspection of exposed sedimentary units during active excavations within sensitive geologic sediments.

In the event of a fossil discovery, whether by the paleontological monitor or a member of the construction crew, all work shall cease in a 15-meter (50-foot) radius of the find while the qualified paleontologist assesses the fossil and documents its discovery. Paleontological monitors shall record pertinent geologic data and collect sediment samples from the fossil localities. The qualified paleontological monitor shall follow the SVP's 2010 Standard procedures for the assessment and mitigation of adverse impacts to paleontological resources if the resource requires salvage. A repository, e.g., LACM, shall be identified and a curatorial arrangement shall be signed prior to collection of fossils. Recovered fossils shall be prepared to the point of curation, identified by qualified experts, listed in a database to facilitate analysis, and deposited in a designated paleontological curation facility.

Within 14 days of concluding the paleontological monitoring, the qualified paleontologist shall prepare a memorandum stating that the paleontological monitoring requirement has been fulfilled and summarize the results of any paleontological finds. The memo shall be submitted to the project proponent and DCP. Following submittal of the memo, the qualified paleontologist shall prepare a technical report documenting the methods and results of all work completed under the PRMMP, including, if any, treatment of paleontological materials, results of specimen processing, analysis, and research, and final curation arrangements.

Finding

Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.

Rationale for Finding

Mitigation measures PALEO-1 through PALEO-4 contain performance standards and required procedures to ensure that any discovered resources are not significantly impacted. Therefore, regulatory compliance and adherence to these mitigation measures will reduce impacts of the Project to paleontological resources to a less-than-significant level. The basis for this rationale

also incorporates the discussion and analysis in the Initial Study and its Appendix A-D: Paleontological Resources Assessment.

Reference

SWCA, Paleontological Resources Technical Report for the 6300 W. Third Street Project, Los Angeles, Los Angeles County, CA, February 2019 (Refer to Appendix D of the Initial Study).

Hazards and Hazardous Materials

Impact Summary

During construction and operation of the Proposed Project, potentially hazardous materials would be contained, stored, and used in accordance with manufacturers' instructions and handled in compliance with applicable standards and regulations, which include requirements for disposal of hazardous materials at a facility licensed to accept such waste based on its waste classification and the waste acceptance criteria of the permitted disposal facilities. Adherence to all applicable rules and regulations pertaining to the use, storage, and transport of potentially hazardous materials would reduce potentially significant impacts to less-than-significant levels. With respect to soils, the Project would comply with the South Coast Air Quality Management District (SCAQMD) Rule 1166 requirements.

Additionally, prior to beginning any construction activity for the Proposed Project, including site clearing and demolition work, a construction Stormwater Pollution Prevention Plan (SWPPP) would be prepared and would implement applicable best management practices (BMPs) identified in the SWPPP. The SWPPP, any amendments, and monitoring reports are to be posted to the State Water Resources Control Board's (SWRCB) Stormwater Multiple Application and Report Tracking System (SMARTS) website. BMPs will be designed and maintained as part of the implementation of the SWPPP in compliance with the Construction General Stormwater Permit. The Proposed Project would be built with a methane system that would incorporate all components listed for a Design Level V passive system from Table 71 of LAMC Section 91.7109, to ensure compliance with Los Angeles Department of Building and Safety (LADBS) requirements.

The Hancock Park Elementary School, a Los Angeles Unified School District school, is located immediately south of the Project Site at 408 S. Fairfax Avenue. The Proposed Project would demolish structures that contain Asbestos Containing Materials (ACM) and Lead-Based Paints (LBP). The demolition is subject to strict regulatory controls that ensure construction activities do not emit hazardous materials in a manner that could impact the school. The Proposed Project does not contain land uses that would emit hazardous emissions or handle hazardous materials. Impacts would be less than significant with the required regulatory compliance and the implementation of mitigation measures and project design features. (Refer to Section IV.D Hazardous and Hazardous Materials (3)(d), at pages IV.D-44 through IV.D-56.)

Project Design Features

PDF-HAZ-1 Methane: The Proposed Project will be designed and constructed in accordance with the recommendations in the Methane Report, and to the satisfaction of LADBS. The foundation for the structures on the Development Site will include a V-Bottom that satisfies Level V requirements, including the following elements:

- Areas with a Mat Foundation shall be fitted with an impermeable methane barrier membrane.

- The bottom side of the foundation slab shall have a one percent “V” Bottom slope to serve as the pressure relief venting system.
- A minimum four-inch thick aggregate layer shall be placed beneath the slab to assist in conveying methane gas from beneath the structure.
- An impermeable methane gas/waterproofing/tar barrier shall be installed at all below grade walls.
- If an Oil Well is located on the property beneath a new building, it shall be fitted with a Vent Cone and Venting System as required by the State of California Division of Oil and Gas.
- Electrical & communications conduit seals that prevent methane gas intrusion shall be installed at all dry utility conduits.
- Utility trench dams that prevent methane gas intrusion shall be installed at the exterior sides of the building.
- Gas Detection Systems will be installed throughout the lowest level parking garage in the buildings which will continuously monitor the interior space for methane gas and will be capable of activating the building’s ventilation system and contacting a central alarm service if methane is detected.

Mitigation Measures

MM-HAZ-1: A Soil Management Plan (SMP) shall be prepared that would provide guidance to contractors for appropriate handling, screening, and management of potentially impacted or impacted soils from historical operations that may be encountered at the Development Site during grading and excavation activities. These procedures would include training for construction personnel on the appropriate procedures for identification of suspected impacted soils with TPH concentrations that exceed the RWQCB soil screening level for protection of groundwater of 100 mg/kg and the U.S. EPA residential screening level of 110 mg/kg for residential development; requirements for testing and collection of potentially contaminated soils; segregation of potentially impacted soils; and applicable soil handling and disposal procedures. The SMP shall also contain procedures to be followed in the event that undocumented subsurface features of potential environmental concern (e.g., USTs, abandoned oil wells, sumps, hydraulic lifts, clarifiers, buried drums) are encountered during the excavation grading, and/or other earthmoving activities. These procedures would include safety training, testing protocols, decontamination and decommission.

The SMP shall also include procedures for handling and transportation of soils with respect to nearby sensitive receptors, such as nearby residential uses, religious uses, and schools. In accordance with SCAQMD Rule 1166 requirements, impacted soil removed from the Project Site shall comply with the following:

- Be transported to an approved treatment/disposal facility.
- When loading into trucks is completed, and during transportation, no excavated material shall extend above the sides or rear of the truck or trailer.
- Prior to covering/tarping, loaded impacted soil shall be wetted by spraying with dust inhibitors.
- The trucks or trailers shall be completely covered/tarped prior to leaving the Project Site to prevent particulate emissions to the atmosphere.

- The exterior of the trucks (including the tires) shall be cleaned off prior to the trucks leaving the excavation location.

Finding

Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.

Rationale for Finding

The Proposed Project would include Mitigation Measure MM-HAZ-1 to further minimize potential hazardous materials impacts. This measure would require a Soil Management Plan (SMP) be prepared to guide contractors regarding appropriate handling, screening, and management of potentially impacted or impacted soils from historical operations on the Development Site that may be encountered during grading and excavation activities. With implementation of MM-HAZ-1, in conjunction with Project Design Feature PDF-HAZ-1, the construction of the Proposed Project will not create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials or the reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment, and also would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances or waste within one-quarter mile of an existing or proposed school, and impacts would be reduced to less than significant. The basis for this rationale also incorporates the discussion and analysis in the Draft EIR, Section IV.D, Hazardous Materials and its Appendices A-F.1 through A-F.5.

References

Evista Industries, Inc., Limited Asbestos and Lead Inspection, 3rd and Fairfax – 6300 West 3rd Street, Los Angeles, California, February 13, 2018. (Refer to Appendix A to the Draft EIR).

Evista Industries, Inc., Hazardous Materials Inventory Report, 3rd and Fairfax – 6300 West 3rd Street, Los Angeles, California, February 2, 2018. (Refer to Appendix A to the Draft EIR).

Arcadis U.S., Inc., Phase I Environmental Site Assessment Report, Town & Country Retail, 6310-6360 W. Third Street, Los Angeles, California 90036, May 26, 2017. (Refer to Appendix A to the Draft EIR).

Northgate Environmental Management, Inc., Phase I Environmental Site Assessment, 3rd and Fairfax – 6300 to 6332 West 3rd Street, Los Angeles, California, January 30, 2018. (Refer to Appendix K to the EIR).

Northgate Environmental Management, Inc., Phase I Environmental Site Assessment Update, 3rd and Fairfax – 6300 to 6332 West 3rd Street, Los Angeles, California, October 23, 2018. (Refer to Appendix K to the Draft EIR).

Northgate Environmental Management, Inc., Phase II Environmental Site Assessment, 3rd and Fairfax – 6300 to 6332 West 3rd Street, Los Angeles, California, March 1, 2018. (Refer to Appendix A to the Draft EIR).

Terra-Petra Environmental Engineering, Report of Methane Soil Gas Investigation, Proposed Redevelopment, 370 S. Fairfax Ave., 6300-6370 W. 3rd Street & 347 S. Ogden Drive, Los Angeles, CA, January 31, 2019. (Refer to Appendix A to the Draft EIR).

Noise

Construction Noise and Vibration

Impact Summary

Construction of the Proposed Project would require demolition, earthwork, and building construction activities that would generate noise on a temporary and intermittent basis throughout the duration of the construction process. Construction activities would be performed in

accordance with all applicable state and federal laws, and City Codes and policies with respect to building construction and activities. Construction noise levels would increase exterior ambient noise levels at off-site noise-sensitive receptors by more than 5 dBA Leq during the construction of the Proposed Project. As such, construction noise impacts would be considered significant before mitigation.

Construction activities that would occur within the Development Site would have the potential to generate low levels of groundborne vibration on a temporary and intermittent basis during construction. The projected unmitigated maximum peak particle velocity (PPV) levels at each sensitive receptor would not exceed the applicable threshold of significance for building damage criteria. Additionally, the projected maximum velocity in decibels (VdB) levels would not exceed the human annoyance threshold at sensitive receptor location noise and vibration sensitive receptors (NVSR) Hancock Elementary School (NVSR-1) within the Main Building, the Park La Brea Apartments – Palazzo West at the Grove Apartments (NVSR-2), or at Park La Brea Apartments – Alandele Park Apartments (NVSR-3). However, the construction vibration levels would exceed the human annoyance threshold at sensitive receptor location NVSR-1 within the Bungalow Classrooms. As such, construction activities would have the potential to result in significant vibration annoyance impacts upon NVSR-1 on a short term and temporary basis, before mitigation is imposed. With mitigation, construction noise and vibration would be reduced to less than significant levels. (Refer to the Draft EIR, Section IV.F-4, Noise, (3)(d), at pages IV.F-28 through IV.F-55.)

Project Design Features

PDF-NOI-1: Project construction will not include the use of impact driven pile systems (i.e., pile drivers).

PDF-NOI-2: All construction equipment will utilize mufflers and other devices to minimize noise levels.

Mitigation Measures

MM-NOI-1 School Property Noise Barrier. A temporary 10-foot high sound blanket shall be installed on top of the existing concrete wall located along the southern property line adjacent to the Development Site prior to commencement of construction activities, as shown in Figure IV.F-4, Proposed Construction Noise Barrier Diagram. The sound blanket can be any solid material with a density no less than 2 lb. per square foot. Materials meeting this requirement include 3/4-inch thick wood, 3/4-inch outdoor plywood, and 16-gauge steel sheet. Support frames shall be constructed in sections which allow overlapping between barrier panels when multiples are attached. Gaps between barrier units and between the bottom edge of barrier panels where they meet the top of the existing concrete wall shall be covered or sealed with material of no less 2 pounds per cubic foot (pcf) density. These barriers shall be capable of achieving a minimal Sound Transmission Class (STC) rating of 32. Use of equivalent noise barrier systems shall be reviewed and approved by the acoustical engineer verifying the required level of noise attenuation. Barrier design and construction shall be approved by a structural engineer. The design details and materials for the movable noise barriers and supports shall be prepared for approval and stamped by a Professional Engineer licensed in the state of California and submitted to the Department of City Planning prior to issuance of the first demolition or building permit.

MM-NOI-2 Ogden Drive Noise Barrier. A temporary 10-foot high noise barrier shall be erected along Ogden Drive, as shown in Figure IV.F-4, Proposed Construction Noise Barrier Diagram. The sound blanket can be any solid material with a density no less than 2 lb. per square foot. Materials meeting this requirement include 3/4-inch thick wood, 3/4-inch outdoor plywood, and 16-gauge steel sheet. Support frames should be constructed in sections which allow overlapping between barrier panels when multiples are attached. These barriers shall be capable of achieving a minimal Sound Transmission Class (STC) rating of 32. Use of equivalent noise barrier systems shall be reviewed and approved by the acoustical engineer verifying the required level of noise attenuation. Barrier design and construction shall be approved by a structural engineer. The design details and materials for the movable noise barriers and supports shall be prepared for approval and stamped by a Professional Engineer licensed in the state of California and submitted to the Department of City Planning prior to issuance of the first demolition or building permit.

MM-NOI-3: Setback Distance. Heavy machinery (excavators, dozers, cranes and drill rig) must work at least 70 feet from the exterior wall of the nearest occupied School Bungalow Buildings (Classrooms 21 and 28) while school is in session. Compliance with this measure shall be enforced through a written Construction Management Plan and shall be verified through written field notes documenting the location and date/time of heavy machinery relative to the Hancock Park Elementary School classroom schedule.

Finding

Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.

Rationale for Finding

The Proposed Project's construction noise activities were modeled with the mitigation measures identified above. Construction noise levels would increase exterior ambient noise levels at off-site noise-sensitive receptors by less than 5 dBA L_{eq} and thus are considered less than significant impacts based on applicable thresholds of significance. During the construction of the Proposed Project, setback distance attenuation during school hours would reduce the vibration annoyance levels to a less than significant level with the incorporation of Mitigation Measure MM-NOI-3. As such, construction noise and vibration impacts would be considered less than significant with mitigation. The basis for this rationale also incorporates the discussion and analysis in the Draft EIR, Section IV.F, Noise, and its Appendix F.1: Construction Noise and Vibration Technical Report and Appendix F.2: Operational Noise Calculation Worksheets.

References

California Department of Transportation (Caltrans) Technical Noise Supplement, 2009.
Caltrans Transportation and Construction Vibration Guidance Manual, September 2013.
Federal Transit Administration Transit Noise and Vibration Impact Assessment, May 2006.
Federal Transit Administration Noise and Vibration Impact Assessment Manual, September 2018.
Federal Highway Administration's (FHWA) Roadway Construction Noise Model (RCNM)
Veneklasen Associates, Construction Noise and Vibration Technical Report, October 9, 2020 (Refer to Appendix F to the EIR).
Parker Environmental Consultants, Operational Noise Calculations Worksheets, October 2020 (Refer to Appendix F to the EIR).

Transportation

Consistency with CEQA Guidelines section 15064.3, subdivision (b)

Impact Summary

In accordance with the screening procedures identified in the LADOT Transportation Assessment Guidelines (TAG), a Vehicle Miles Traveled (VMT) calculation was prepared for the Proposed Project. The VMT Calculator estimates that the Proposed Project would generate 6,571 daily vehicle trips and with a daily VMT of 43,914. The Proposed Project would exceed the applicable Household VMT per Capita prior to mitigation. The Proposed Project would not generate a significant Work VMT because its work-related trips are generated by local-serving retail trips. The Development Site is part of local-serving retail center, and the Proposed Project includes a mix of residential and local-serving retail land uses. The TAG provides that local-serving retail developments tend to shorten trips and reduce VMT compared to regional-serving retail development and single-land-use type of developments. As such, the VMT Calculator, when applied to this Project demonstrates that Work VMT would be less than significant without mitigation. In summary, considering the above, the Proposed Project would have a less than significant impact with mitigation for Household VMT per Capita; and would have a less than significant impact with respect to Work VMT without the need for mitigation. (Refer to the Draft EIR, Section IV.I, Transportation, (3)(d)(1)(b), at pages IV.I-42 through IV.I-46.)

Project Design Features

No Project Design Features were proposed to address environmental impacts related to transportation.

Mitigation Measures

MM-TRAFFIC-1: The Proposed Project shall incorporate the following Transportation Demand Management (TDM) Strategies as part of the ongoing Project operations:

- *Unbundle Parking.* The Proposed Project shall unbundle the parking costs from the property costs, requiring those who wish to purchase parking spaces to do so at an additional cost from the property cost. This strategy is applicable for residential components of development projects.
- *Promotions and Marketing.* The Proposed Project shall utilize marketing and promotional tools to educate and inform residents and employees about alternative transportation options and the effects of their travel choices. This strategy includes providing passive educational and promotional materials, such as posters, information boards, or a website with information that residents and employees can choose to read at their own leisure.
- *Bike Parking.* The Proposed Project shall provide the required number of short-term and long-term bicycle parking spaces for the residential and commercial components pursuant to LAMC. The Project should provide a maximum commitment to implementing/improving on-street bicycle facilities, providing bicycle parking per the LAMC, and providing secure ancillary bike facilities such as indoor bicycle parking/lockers, showers, and repair stations.

Finding

Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.

Rationale for Finding

The TDM strategies included in MM-TRAFFIC-1 include unbundled parking, promotions and marketing, and bike parking per the LAMC, which are consistent with the type of measures allowed by LADOT to reduce VMT. With the implementation of the TDM strategies in MM-TRAFFIC-1, the Proposed Project will have a less than significant VMT impact. Thus, the Proposed Project would not conflict with or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b). The basis for this rationale also incorporates the discussion and analysis in the Draft EIR, Section IV.I, Transportation, and its Appendix H.1: CEQA Transportation Analysis and Appendix H.2: Non-CEQA Transportation Analysis.

References

Transportation Impact Study Memorandum of Understanding (approved by the Los Angeles Department of Transportation), May 3, 2018 (Refer to Appendix A of Appendix H.2(A) to the Draft EIR).

Linscott, Law & Greenspan Engineers, Traffic Impact Study prepared, July 17, 2019 (Refer to Appendix H.2(A) to the Draft EIR).

Linscott, Law & Greenspan Engineers, Vehicle Miles Traveled Analysis (VMT Analysis), November 20, 2019 (see Appendix H.1(B) to this Draft EIR).

Supplemental Operational Delay Analysis for Fairfax Avenue & 3rd Street, February 19, 2020 (Refer to Appendix H.2(B) to the Draft EIR).

Los Angeles Department of Transportation, Traffic analysis approval letter from (DOT Case No. CEN 18-47030), March 26, 2020 (Refer to Appendix H.1(A) to the Draft EIR).

Tribal Cultural Resources

Impact Summary

The Project Site was identified as potentially sensitive for containing unknown tribal cultural resources. This determination is based on the potential level of sensitivity of the area and its proximity to an asphaltum source, the prehistoric Native American remains found at the La Brea Tar Pits, and the types of alluvial sediments in the area that are capable of preserving tribal cultural resources. The level of sensitivity for the Project Site indicates that the Project could reasonably result in a foreseeable direct or indirect impact to tribal cultural resources if adequate mitigation is not provided. Thus, the Proposed Project without mitigation may cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k). (Refer to the Draft EIR, Section IV.J, Tribal Cultural Resources, (3)(d)(1)(a), at pages IV.J-19 through IV.J-27.) As noted below, the Draft EIR requires mitigation measures that reduce the potential impacts on tribal cultural resources to less than significant.

Project Design Features

No Project Design Features were proposed to address environmental impacts related to Tribal Cultural Resources.

Mitigation Measures

MM-TCR-1 Retain a Tribal Consultant and Qualified Archaeologist. Prior to any ground-disturbing activities on the project site associated with the Proposed Project, the project proponent shall retain a tribal consultant and qualified archaeologist to monitor ground-

disturbing activities to ensure proper implementation of the final measures related to tribal cultural resources. For the purposes of these mitigation measures, ground disturbing activities shall include excavating, digging, trenching, plowing, drilling, tunneling, quarrying, grading, leveling, removing peat, clearing, driving posts, augering, backfilling, blasting, stripping topsoil or a similar activity at the project site. A tribal consultant is defined as one who is on the NAHC's Tribal Contact list (contained in Appendix I in this Draft EIR). The tribal consultant will provide the services of a representative, known as a tribal monitor. The tribal monitor shall be present on-site and carry out actions described in the Tribal Cultural Resources Monitoring and Mitigation Program and any actions required to comply with mitigation measures for tribal cultural resources. The Gabrieleño Band of Mission Indians-Kizh Nation, as a consulting party for the project, shall be contacted first and given 10 days to respond with a complete scope of work for tribal monitoring. If the terms of service (consistent with industry standard terms) cannot be agreed upon, or if no response is received within 10 days of soliciting a request, the project proponent may contact another California Native American tribe included on the NAHC Tribal Contact List and request the services of a tribal consultant. The project proponent or their designee will submit to the City of Los Angeles Department of City Planning (DCP) a letter of retention from the Tribal Consultant prior to the start of demolition. Should the Gabrieleño Band of Mission Indians-Kizh not be retained, the project proponent or their designee shall also submit a letter to DCP documenting that a reasonable and good faith effort was made to retain a tribal consultant from the Gabrieleño Band of Mission Indians-Kizh Nation.

A qualified archaeologist is defined as one who meets the Secretary of the Interior's (SOI) Professional Qualifications Standards (PQS) for archaeology. The qualified archaeologist shall submit a letter of retention to the project proponent and DCP no fewer than 15 days before demolition or excavation activities commence. The letter shall include a resume for the qualified archaeologist that demonstrates fulfillment of the SOI PQS.

MM-TCR-2 Prepare a Tribal Cultural Resources Monitoring and Mitigation Program (TCRMMP). Prior to any ground-disturbing activities on the project site associated with the Proposed Project, a TCRMMP shall be prepared in substantial conformance with TCRMMP in Appendix E or the Tribal Cultural Resources Assessment contained in this Draft EIR. The TCRMMP shall include, but not be limited to, a construction worker training program (described in TCR-3), monitoring protocols for ground-disturbing activities, discovery and processing protocol for inadvertent discoveries of tribal cultural resources. The TCRMMP shall identify areas that require monitoring, provide a framework for assessing the geoarchaeological setting to determine whether sediments capable of preserving tribal cultural resources are present, and include a protocol for identifying the conditions under which additional or reduced levels of monitoring (e.g., spot-checking) may be appropriate. The duration and timing of the monitoring shall be determined by the qualified archaeologist in consultation with the tribal consultant based on the rate of excavation, geoarchaeological assessment, and, if present, the quantity, type, and spatial distribution of the materials identified. The TCRMMP shall also summarize the requirements for tribal coordination during monitoring and in the event of an inadvertent discovery of a tribal cultural resource or potential tribal cultural resource including the applicable regulatory compliance measures for the inadvertent discovery of tribal cultural resources to be carried out in concert. The TCRMMP shall be prepared in compliance with Public Resources Code (PRC) Section 5024.1, Title 14 California Code of Regulations, Section 15064.5 of the CEQA Guidelines, and PRC Sections 21083.2 and 21084.1. The

TCRMMP shall be submitted to the DCP at least 15 days prior to initiating ground-disturbing activities.

MM-TCR-3 Worker Environmental Awareness Program (WEAP). Prior to any ground-disturbing activities on the project site associated with the Proposed Project, the retained qualified archaeologist and tribal consultant or their designees shall provide a WEAP training to on-site project personnel responsible for supervising ground-disturbing activities (i.e., foreman or supervisor) and machine operators. The WEAP training will be in accordance with the WEAP provided in Appendix E or the Tribal Cultural Resources Assessment contained in this Draft EIR. The WEAP training shall brief construction crews regarding the regulatory compliance requirements and applicable mitigation measures that must be adhered to during ground-disturbing activities for the protection of tribal cultural resources. As an element of the WEAP training, the qualified archaeologist and tribal consultant or their designees shall advise the construction crews on proper procedures to follow if an unanticipated tribal cultural resource is discovered during construction. The qualified archaeologist and tribal consultant or their designees shall also provide the construction workers with contact information for the qualified archaeologist and tribal consultant and their designee(s) and protocols to follow if inadvertent discoveries are made. In addition, workers shall be shown examples of the types of tribal cultural resources that would require notification of the archaeologist and tribal consultant, if encountered. Once the ground disturbances have commenced, the need for additional or supplemental WEAP training shall be determined through consultation with the qualified archaeologist, tribal consultant and project proponent or their designated project supervisor. Within 5 days of completing a WEAP training, a list of those in attendance shall be provided by the qualified archaeologist to the project proponent and DCP.

MM-TCR-4 Monitoring for Tribal Cultural Resources. Prior to any ground disturbing activities on the project site associated with the Proposed Project, an archaeological and tribal monitor shall be present during ground-disturbing activities as stipulated in the TCRMMP. The tribal monitor shall be designated by the tribal consultant. The qualified archaeologist may designate an archaeologist to conduct the monitoring under their direction. The monitors shall have the authority to temporarily halt or redirect construction activities in soils that are likely to contain potential tribal cultural resources, as determined by the qualified archaeologist in consultation with the tribal monitor. The monitors shall each complete a daily log documenting construction activities and observations. The field observations shall include assessment of the geoarchaeological setting and whether sediments are identified that are no longer capable or unlikely to contain tribal cultural resources (i.e., sterile), which may be encountered prior to reaching the total depth of excavation expected for the project. If initial monitoring identifies low sensitivity (i.e., sterile soil strata) below a certain depth or within a certain portion of the project site, a corresponding reduction of monitoring coverage would be appropriate. The reasoning for and scale of the recommended reduction shall be communicated to the DCP in writing prior to reduction.

In the event that tribal cultural resources or potential tribal cultural resources are exposed during construction, work in the immediate vicinity of the find shall stop within a minimum of 8 meters [25 feet] or as determined by the qualified archaeologist in consultation with the tribal consultant based on the nature of the find and the potential for additional portions of the resource to remain buried in the unexcavated areas of the project site. The qualified archaeologist in consultation with the tribal consultant will evaluate the significance of the find and implement the protocol described in the TCRMMP before work can resume in the

area surrounding the find that is determined to have sensitivity. Construction activities may continue in other areas of the project site in coordination with the qualified archaeologist and tribal consultant.

If human remains are encountered during construction all ground-disturbing work will be immediately diverted from the discovery as determined by the tribal consultant and qualified archaeologist based on consideration of the possibility that additional or multiple Native American human remains are may be located in the project site. Upon discovery of human remains, whether or not the archaeological or Tribal monitor is present, the Los Angeles County Coroner's Office shall be notified, as prescribed in PRC Section 5097.98 and Health and Safety Code Section 7050.5. If the Coroner determines that the remains are of Native American origin, the Coroner shall proceed as directed in Section 15064.5(e) of the State CEQA Guidelines, and as specified in the TCRMMP, which require the coroner to notify the NAHC who will appoint a Most Likely Descendent (MLD). Funerary objects, called associated grave goods in PRC 5097.98, are also to be treated accordingly. While the coroner determines whether the remains are Native American and the MLD is designated and notified, the discovery is to remain confidential and secure to prevent any further disturbance.

Within one month of concluding the tribal cultural resources monitoring, the qualified archaeologist shall prepare a memo stating that the monitoring requirements have been fulfilled and summarize the results of any finds and any actions taken by the tribal monitor to implement the final measures related to tribal cultural resources. The memo shall be submitted to the project proponent and DCP and attached to a final monitoring report prepared by the qualified archaeologist. Following submittal of the memo, the qualified archaeologist shall prepare a technical report documenting the methods and results of all work completed by the tribal and archaeological monitor under the TCRMMP and incorporating input received during construction from the tribal consultant, including, if any, treatment of any collected materials, results of artifact processing, analysis, and research, and evaluation of the resource(s) for the California Register of Historical Resources. The format and content of the report shall follow the California Office of Historic Preservation's Archaeological Resource Management Reports (ARMR): Recommended Contents and Format. Any tribal cultural resources identified shall be documented on appropriate California Department of Parks and Recreation 523-Series Forms. The report shall be prepared under the supervision of a qualified archaeologist and submitted to DCP within one year of completing the monitoring. The final draft of the report shall be submitted to the South Central Coastal Information Center.

Finding

Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.

Rationale for Finding

Mitigation measures TCR-1 through TCR-4 contain, but are not limited to, programs, performance standards, and monitoring during construction activities to ensure that the Project does not significantly impact any tribal cultural resources that may be discovered during demolition, grading of building activities. Therefore, regulatory compliance and adherence to these mitigation measures will reduce impacts of the Project to Tribal Cultural Resources to a less-than-significant

level. The basis for this rationale also incorporates the discussion and analysis in the Draft EIR, Section IV.J, Tribal Cultural Resources and its Appendix I: Tribal Cultural Resources Assessment.

Reference

SWCA Environmental Consultants, Tribal Cultural Resources Assessment for the 6300 West Third Street Project, Los Angeles, California, October 12, 2020 (revised February 2, 2021) (See Appendix I of the Draft EIR).

VII. Significant and Unavoidable Impacts

The Final EIR determined that the Project would not result in any significant and unavoidable impacts. As discussed above, all of the environmental impacts resulting from the construction and operation of the Proposed Project were found to either have no impact, be less than significant prior to implementation of mitigation measures, and/or reduced to less than significant levels with implementation of mitigation measures. As such, the City finds that none of the impacts described in the Final EIR are significant and unavoidable.

VIII. Alternatives

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

1. No Project Alternative
2. Mixed-Use Office Alternative
3. Reduced Density Alternative
4. Retail/Office Alternative

Summary of Findings

The City finds that no feasible alternative will substantially lessen any significant effect of the project, or avoid any significant effect the project would have on the environment.

Project Objectives

1. Provide "smart-growth" infill development that is generally consistent with the zoning and land use designation identified in the Wilshire Community Plan for the Development Site;
2. Enhance and activate an existing commercial retail center by replacing a portion of the existing surface parking lot and commercial uses with an economically viable and aesthetically attractive mixed-use development that will be physically and programmatically compatible with the existing on-site uses to remain as well as surrounding uses in the vicinity;
3. Improve the visual appearance and appeal of the neighborhood by replacing older commercial buildings with a modern mid-rise building and providing enhanced streetscape design and pedestrian-oriented amenities;
4. Support a reduction in vehicle miles traveled by providing high-density multi-family housing and employment opportunities in a designated Transit Priority Area;
5. Create an arrangement of land uses and new development that encourage and contribute to the economic, social, and physical health of the expanding residential community in the Wilshire Community Plan area;

6. Create a sustainable neighborhood with scalable design that fits with the unique context of the adjacent on- and off-site land uses.
7. Maximize the provision of housing units on an urban infill site to increase multi-family housing supply for the City and Wilshire Community Plan area.

Alternatives Analyzed

1. No Project Alternative

Description of Alternative

In accordance with the CEQA Guidelines, the No Project Alternative for a development project on an identifiable property consists of the circumstance under which the proposed Project does not proceed. CEQA Guidelines (Section 15126.6(e)) provides that the “no project” analysis shall discuss the existing conditions at the time the Notice of Preparation is published, as well as what can reasonably be expected to occur in the foreseeable future if the project is not approved based on current plans and consistent with available infrastructure and community services. In February 2019, at the time the NOP was published for the Proposed Project, the Development Site was developed with 151,048 square feet of commercial uses including a 131,873 square-foot K-Mart building, 13,090 square feet of retail, and 6,085 square feet of restaurant space.

Under the No Project Alternative, no buildings would be demolished, and no new buildings would be constructed. Building repair and upgrades would be necessary for the commercial uses to be occupied and viable. While it may be possible for commercial vacancies to fluctuate over time, the No Project Alternative assumes that the leasable area in the existing structure would remain similar to current conditions. As such, the Development Site’s active land uses would include operational commercial tenants in the approximately 131,873 square-foot K-Mart building and the 19,175 square feet of patio shops.

Impact Summary

In comparison to the Proposed Project, the No Project Alternative would have no impact with respect to all of the environmental categories evaluated in the EIR.

Under the No Project Alternative, the existing uses on-site would continue operating and no new buildings would be developed. As such, the No Project Alternative would not meet any of the Project objectives listed above and in Section II, Project Description. Specifically, the No Project Alternative would not meet the objective of providing “smart-growth” infill development that is generally consistent with the zoning and land use designation identified in the Wilshire Community Plan for the Project Site, as no new development would occur.

The No Project Alternative would not enhance or activate an existing commercial retail center by replacing a portion of the existing surface parking lot and commercial uses with an economically viable and aesthetically attractive mixed-use development that will be physically and programmatically compatible with the existing on-site uses to remain as well as surrounding uses in the vicinity, as no new development would occur.

The No Project Alternative would not improve the visual appearance and appeal of the neighborhood by replacing older commercial buildings with a modern mid-rise building and providing enhanced streetscape design and pedestrian-oriented amenities, as no new development would occur.

The No Project Alternative would not support a reduction in vehicle miles traveled by providing high-density multi-family housing and employment opportunities in a designated Transit Priority Area, as no new development would occur.

The No Project Alternative would not create an arrangement of land uses and new development that encourage and contribute to the economic, social, and physical health of the residential community in the Wilshire Community Plan area, as no new development would occur.

The No Project Alternative would not create a sustainable neighborhood with scalable design that fits with the unique context of the adjacent on and off-site land uses, as no new development would occur.

The No Project Alternative would not maximize the provision of housing units on an urban infill site to increase multi-family housing supply for the City and Wilshire Community Plan area, as no new development would occur.

Finding

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

Rationale for Finding

Although the No Project Alternative would result in no impacts, compared to the Proposed Project's less than significant impacts for air quality, energy, greenhouse gas emissions, land use and planning, population and housing, public services, and public utilities, and the Proposed Project's less than significant impacts with mitigation for hazardous materials, noise, transportation, and tribal cultural resources, this Alternative would not meet any of the identified Project objectives. The No Project Alternative would also not meet the underlying purpose of the Project to transform an aging commercial retail center into an integrated smart-growth, mixed-use development that provides mid-rise residential, retail and restaurant uses in the Wilshire Community Plan area.

Reference

Refer to the Draft EIR, Section V. Project Alternatives, (B) No Project Alternative, at pages V-9 through V-19.

2. Mixed-Use Office Alternative

Description of Alternative

The Mixed-Use Office Alternative would consist of demolition of the existing uses on the Development Site and the construction of a mid-rise, eight-story mixed-use structure with two levels of subterranean parking, for a maximum height of approximately 100 feet. Similar to the Proposed Project, the Mixed-Use Office Alternative would include 331 multi-family dwelling units and 83,994 square feet of commercial space for a total net new floor area of 426,994 square feet. However, under this Alternative, the approximately 63,082 square feet of supermarket space that is proposed on Level 3 would be converted to office space. The scale and massing of the structure proposed under the Mixed-Use Office Alternative would be the same as the Proposed Project. As such, the floor area, density, and building height would be the same as described for the Proposed Project. The open space and recreational amenities, vehicular and pedestrian access plan, and architectural features would also be the same as described under the Proposed Project. The

parking requirements for office uses are lower than general retail uses. As a result, the parking requirements for the Mixed-Use Office Alternative would be 126 spaces lower than the Proposed Project, resulting in a surplus of 211 spaces above the code minimum.¹

Impact Summary

In comparison to the Proposed Project, the Mixed-Use Office Alternative would have similar less-than-significant impacts as compared to the Proposed Project with respect to land use and planning, public services, (fire protection, police protection, schools, parks, libraries), solid waste, and electric power, natural gas, and telecommunications. The Mixed-Use Office Alternative would have reduced less-than-significant impacts as compared to the Proposed Project with respect to air quality, energy (electricity, natural gas, transportation), greenhouse gas emissions, population and housing. The Mixed-Use Office Alternative would have increased less-than-significant impacts as compared to the Proposed Project for water and wastewater. It is anticipated that this alternative would generate additional water demands and wastewater flows than the Proposed Project. However, impacts associated with water demand and wastewater treatment capacity would remain less than significant under this Alternative. Further, the Mixed-Use Office Alternative would result in similar less than significant impacts with mitigation for hazardous materials and tribal cultural resources, as compared to the Proposed Project; with increased less than significant impacts with mitigation for noise. Furthermore, this alternative would result in less than significant transportation impacts and would not require mitigation, compared to the Proposed Project's less than significant impacts with mitigation.

Finding

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

Rationale for Finding

The Mixed-Use Office Alternative would not meet the underlying purpose of the Proposed Project, which is to transform an aging commercial retail center into an integrated smart-growth, mixed-use development that provides mid-rise residential, retail and restaurant uses in the Wilshire Community Plan area of the City of Los Angeles, to the same extent as the Proposed Project, because the alternative would include office uses instead of either retail and restaurant uses. The land uses associated with the Proposed Project are designed to be community serving and respond to the economic, social, and demographic conditions in the vicinity of the Project Site. The Mixed-Use Office Alternative would meet some of the objectives listed in Section II, Project Description, but not to the same extent as the Proposed Project. In particular, the Mixed-Use Office Alternative would not meet the objective to the same extent as the Proposed Project to enhance and activate an existing commercial retail center by replacing a portion of the existing surface parking lot and commercial uses with an economically viable and aesthetically attractive mixed-use development that will be physically and programmatically compatible with the existing on-site uses to remain as well as surrounding uses in the vicinity; or the objective to create a sustainable neighborhood with scalable design that fits with the unique context of the adjacent on- and off-site land uses, because the existing character around the Project Site is composed of primarily community- and regional-serving retail uses, mostly residential communities, and an adjacent public school, all of which provide an urban context that is more compatible with retail uses than it is with office uses.

¹ *The Proposed Project has a surplus of 85 spaces. If the amount of code required parking is reduced by 126 spaces, there would be a total of 211 surplus spaces (85+126= 211).*

In addition, as the Mixed-Use Office Alternative would generate additional water demands and wastewater flows compared to the Proposed Project, this Alternative would have increased impacts on water demand and wastewater treatment capacity as compared to the Proposed Project, although such impacts would remain less than significant.

Reference

Refer to the Draft EIR, Section V. Project Alternatives, (C) Mixed-Use Office Alternative, pgs. V-20 through V-48.

3. Reduced Density Alternative

Description of Alternative

The Reduced Density Alternative would consist of demolition of the existing uses on the Development Site and the construction of a mixed-use project with 150 multi-family townhome units and approximately 20,912 square feet of commercial space for a total new floor area of 395,912 square feet. Under this alternative, all of the commercial and residential guest parking spaces would be provided at grade level. The parking for the townhome units would be provided within the townhome units. Thus, earthwork and grading activities would be limited to surface grading and soil export would be limited to approximately 3,000 cubic yards. The Reduced Density Alternative would be comprised of two- to three level townhome units and single story retail uses at the ground floor. The height of the townhome structures would be a maximum of 35 feet. Common open space and recreational amenities would be provided consistent with the LAMC requirements.

Impact Summary

In comparison to the Proposed Project, the Reduced Density Alternative would have reduced less than significant impacts as compared to the Proposed Project with respect to air quality, energy (electricity, natural gas, transportation fuel), greenhouse gas emissions, population and housing, public services, (fire protection, police protection, schools, parks, libraries), water, wastewater, and solid waste. The Reduced Density Alternative would have similar less-than-significant impacts as compared to the Proposed Project with respect to land use and planning and public services – electric power, natural gas, and telecommunications. Further, the Reduced Density Alternative would result in similar less than significant impacts with mitigation for hazardous materials, as compared to the Proposed Project; with reduced less than significant impacts with mitigation for noise and tribal cultural resources. Furthermore, this alternative would result in less than significant transportation impacts and would not require mitigation, compared to the Proposed Project's less than significant impacts with mitigation.

Finding

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

Rationale for Finding

Under the Reduced Density Alternative, similar land uses as the Proposed Project would be developed, but the number of dwelling units would be reduced from 331 to 150 (a reduction of 181 units) and the commercial/retail component would eliminate the 63,082 square-foot supermarket resulting in a total of 20,912 square feet of commercial retail area instead of 83,994 square feet as proposed under the Proposed Project. The Reduced Density Alternative would meet some of the Project Objectives but not to the same extent as the Proposed Project.

Specifically, the Reduced Density Alternative would not meet, to the same extent as the Project, the objective to maximize the provision of housing units on an urban infill site to increase multifamily housing supply for the City and Wilshire Community Plan area, as this alternative would provide 181 fewer residential dwelling units. This Alternative would also not meet, to the same extent as the Project, the objective to support a reduction in vehicle miles traveled by providing high-density multi-family housing and employment opportunities in a designated Transit Priority Area, because it reduces dwelling unit density by over 50% (from 331 units to 150 units) on a site designated and zoned to accommodate high-density uses per the LAMC and community plan. Neither would this alternative provide the same extent of employment opportunities, as the Proposed Project, because it would reduce commercial uses by approximately twenty five percent, which in turn results in a net loss of employment opportunities on the Development Site. Lastly, this Alternative would not meet, to the same extent as the Proposed Project, the objective to create a sustainable neighborhood with scalable design that fits with the unique context of the adjacent on and off-site land uses. The Reduced Density Alternative would be comprised of two- to three level townhome units and single story retail uses at the ground floor. The height of the townhome structures would be a maximum of 35 feet. However, townhomes would not fit, to the same extent as the high-density apartments in the Proposed Project, with the high-intensity commercial context of a currently operating commercial center on the Project Site and with nearby regional-serving commercial and multi-family residential uses.

Reference

Refer to the Draft EIR, Section V. Project Alternatives, (D) Reduced Density Alternative, pages V-49 through V-79.

4. Retail/Office Alternative

Description of Alternative

The Retail/Office Alternative would include the demolition of the 151,048 square feet of existing uses on the Development Site and the construction of a mixed-use retail/office project with approximately 30,000 square feet of ground floor commercial space (including approximately 22,500 general commercial/retail space and 7,500 square feet of restaurant space) and 396,994 square feet of office space. The Retail/Office Alternative would not include any residential dwelling units. Under this Alternative, the proposed structure would include two levels of subterranean parking, at-grade retail/restaurant space and three levels of office space. The structure would be four levels above grade with a maximum height of 65 feet. Access to the subterranean parking garage would be through one driveway entering from the adjacent retail parking lot, and two driveways on S. Ogden Drive. The service driveway/loading dock would also be accessed from S. Ogden Drive.

Impact Summary

In comparison to the Proposed Project, the Retail/Office Alternative would have similar less than significant impacts as compared to the Proposed Project with respect to land use and planning, population and housing, public services - electric power, natural gas, and telecommunications. The Retail/Office Alternative would have reduced less-than-significant impacts as compared to the Proposed Project with respect to air quality, energy (natural gas, transportation), GHG emissions, public services, (fire protection, police protection, parks, libraries), and public utilities (water, wastewater). The Retail/Office Alternative would have increased less-than-significant impacts as compared to the Proposed Project for energy (electricity) and public services (schools) and public utilities (solid waste). It is anticipated that this alternative would generate additional electricity demands and solid waste than the Proposed Project. However, impacts associated with electricity demand, schools, and solid waste landfill capacity would remain less than significant

under this Alternative. Further, the Retail/Office Alternative would result in similar less than significant impacts with mitigation for hazardous materials and tribal cultural resources, as compared to the Proposed Project; with reduced less than significant impacts with mitigation for noise. Furthermore, this alternative would result in less than significant transportation impacts and would not require mitigation, compared to the Proposed Project's less than significant impacts with mitigation.

Finding

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

Rationale for Finding

The Retail/Office Alternative only proposes general office and commercial/retail uses. Therefore, the Retail/Office Alternative would not meet the underlying purpose of the Proposed Project, which is to transform an aging commercial retail center into an integrated smart-growth, mixed-use development that provides mid-rise residential, retail and restaurant uses in the Wilshire Community Plan area of the City of Los Angeles. Neither would the Retail/Office Alternative meet most of the Project objectives. Specifically, because the Retail/Office Alternative does not provide any housing, it fails to meet project objectives that would support a reduction in vehicle miles traveled by providing high-density multi-family housing and employment opportunities in a designated Transit Priority Area, nor to maximize the provision of housing units on an urban infill site to increase multifamily housing supply for the City and Wilshire Community Plan area.

In addition, the Retail/Office Alternative would not meet, to the same extent as the Proposed Project, the objectives to create a sustainable neighborhood with scalable design that fits with the unique context of the adjacent on and off-site land uses, or the objective to enhance and activate an existing commercial retail center by replacing a portion of the existing surface parking lot and commercial uses with an economically viable and aesthetically attractive mixed-use development that will be physically and programmatically compatible with the existing on-site uses to remain as well as surrounding uses in the vicinity, because it is office building that would be placed within the off-site context that includes a school, residential, and retail uses. Whereas the Proposed Project develops uses (residential, retail, and restaurants) that fit into the existing neighborhood context and provide for sustainable neighborhood growth. This Alternative would not meet, to the same extent as the Proposed Project, the objective to provide "smart-growth" infill development that is generally consistent with the zoning and land use designation identified in the Wilshire Community Plan for the Development Site, because two key elements of smart growth are to provide a mix of land uses and to create a range of housing opportunities and choices by development in existing communities. This Alternative would not meet, to the same extent as the Proposed Project, the objective to create an arrangement of land uses and new development that encourage and contribute to the economic, social, and physical health of the residential community in the Wilshire Community Plan area because its commercial-only land uses do not create a diverse arrangement of land uses, and it does not contribute residential units to the residential community in the Wilshire Community Plan area.

In addition, the Retail/Office Alternative would have increased less-than-significant impacts as compared to the Proposed Project for energy (electricity) and public services (schools) and public utilities (solid waste).

Reference

Refer to the Draft EIR, Section V. Project Alternatives, (D) Reduced Density Alternative, pages V-79 through V-105.

Alternatives Rejected as Infeasible

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

CEQA Guidelines Section 15126.6(b) states that "the discussion of alternatives shall focus on alternatives to the project or its location which are capable of avoiding or substantially lessening any significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly." The environmental impact analyses contained in Section IV, Environmental Impact Analysis of the Draft EIR concluded that the Proposed Project would result in less than significant impacts or less than significant impacts with mitigation for all impact categories addressed in the EIR. Impacts found to be less than significant with mitigation include noise, hazardous materials, transportation, and tribal cultural resources. Thus, the consideration of feasible alternatives was focused on further reducing the severity of impacts that were already determined to be less than significant with mitigation.

Alternatives to the Project that were considered and rejected as infeasible include the following:

In accordance with CEQA Guidelines Section 15126.6(c), an analysis of an alternative project site was rejected from further consideration. As a basic matter, the Proposed Project is consistent with the zoning and land use designations that apply to the Project Site and would implement existing planning policies, which limits the need to analyze an alternative site. Also, as stated above, no unavoidable significant environmental impacts would occur as a result of the Proposed Project. Thus, the selection of an alternative project site would not eliminate the occurrence of a significant unavoidable impact. An alternative site would not meet the project objective to transform an aging commercial retail center into an integrated smart-growth, mixed-use development that provides mid-rise residential, retail and restaurant uses in the Wilshire Community Plan area of the City of Los Angeles.

Furthermore, the Project Applicant cannot reasonably acquire, control, or access an alternative site in a timely fashion that would result in implementation of a project with similar uses and square footage. Additionally, considering the mixes of uses in the surrounding area, including sensitive uses, development of the Proposed Project at an alternative site could potentially produce other environmental impacts that would otherwise not occur at the current Project Site and result in greater environmental impacts when compared with the Proposed Project. Therefore, an alternative site is not considered feasible as the Applicant does not own another suitable site that would achieve the underlying purpose and objectives of the Proposed Project, and an alternative site would not likely further reduce the Proposed Project's less than significant impacts with mitigation. Thus, this alternative was rejected from further consideration.

Environmentally Superior Alternative

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

Alternative is the Environmentally Superior Alternative, the EIR shall identify another Environmentally Superior Alternative among the remaining alternatives.

The environmentally superior alternative would be the No Project Alternative. The No Project Alternative would eliminate the Proposed Project's less than significant impacts after mitigation related to hazardous materials, construction noise and vibration, traffic impacts, and tribal cultural resources. As discussed above, the No Project Alternative would not achieve any of the Applicant's stated Project Objectives. However, as required by CEQA, when the No Project Alternative is shown to be environmentally superior over the Proposed Project, a separate Environmentally Superior Project Alternative shall be identified among the alternatives analyzed within the EIR. Accordingly, the Draft EIR identified the Reduced Density Alternative as the Environmentally Superior Alternative.

IX. Significant Irreversible Environmental Changes

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

Building Materials and Solid Waste

Construction and operation of the Proposed Project would result in the irretrievable commitment of limited, slowly renewable, and non-renewable resources, which would limit the availability of these resources in the future. While the commitment of such resources could potentially result in both primary and secondary impacts, the Proposed Project's use of non-renewable resources would be on a relatively small scale and consistent with regional and local growth forecasts and development goals for the area. The loss of such resources would not be highly accelerated when compared to existing conditions. Therefore, although irreversible environmental changes would result from the Proposed Project, such changes would be considered less than significant.

The Proposed Project's demolition and construction activities are estimated to generate approximately 13,188 tons of construction and demolition debris. Under the requirements of the City's AB 939 Compliance Permit process and pursuant to LAMC Section 66.32, all construction and demolition debris would be delivered to a Certified Construction and Demolition Waste Processing Facility. Implementation of regulatory compliance measures would effectively achieve a 65 percent reduction in the Proposed Project's solid waste disposal needs upon area landfills. Assuming a 65 percent reduction in construction and demolition debris, the total amount of C&D debris to be disposed of at area landfills is estimated to be approximately 4,616 tons.

Operation of the Proposed Project would generate solid waste throughout the lifespan of the Project. The Proposed Project would generate approximately 4,101 pounds (2.05 tons) of solid waste per day, or approximately 748 tons per year. This estimate is conservative, as it does not factor in the amount of solid waste being recycled as a result of implementing on-site recycling

areas. The Proposed Project would be required to comply with LAMC Section 12.21 A.19, which requires new development to provide an adequate recycling area or room for collecting and loading recyclable materials. Additionally, the Proposed Project would be required to comply with CALGreen Code and the L.A. Green Building Code waste reduction measures for the operation of the Proposed Project. Recycling bins shall be provided at appropriate locations to promote recycling of paper, metal, glass, and other recyclable material. These bins would be emptied and recycled accordingly as a part of the Proposed Project's regular solid waste disposal program. Thus, the Proposed Project would be compliant with the City's solid waste reduction policies such that the Proposed project would not result in inefficient or wasteful use of the limited landfill capacity in the region.

Water

The Proposed Project's consumption of water during construction and operation of the Project is addressed in Section IV.K.1, Utilities and Service Systems—Water Supply, of this Draft EIR. As evaluated in the Draft EIR, construction activities for the Proposed Project would result in a temporary demand for water associated with dust control, equipment and site cleanup, excavation and export, soil compaction and earthwork, and other short-term related activities throughout construction of the Proposed Project. The amount of water used during construction would vary depending on soil conditions, weather, and the specific activities being performed. As shown in the Energy Demand Calculation Worksheets included in Appendix D of this Draft EIR, a conservative estimate of construction-related water use is approximately 7,953 gallons per day. This estimate would be less than the estimated existing water consumption of the uses to be removed of 7,552 gpd. Construction of the Project would be complete by 2023. Therefore, the Proposed Project's temporary and intermittent demand for water during construction would represent a slight decrease in the utilization of water during the construction period.

As discussed in Section IV.K.1, of the Draft EIR, the projected net water demand of the Proposed Project is 70.6 AFY. The Proposed Project would include sustainable design to meet all current LA Green Building Code requirements. As such, the development would incorporate water saving and low-flow fixtures and drought tolerant planting to promote water conservation methods. As discussed in the water reliability section of the 2015 Urban Water Management Plan (UWMP), the Department of Water and Power (LADWP) expects to have a reliable supply of up to 675,700 acre-feet of water in 2040.² As further discussed in the UWMP, LADWP expects to maintain a reliable water supply through conservation, increased recycled water use (including both non-potable and potable reuse), increasing the City sources of water and reducing purchases from the MWD.³ Between 2015 and 2040, the City's locally developed supplies are planned to increase from 14 percent to 49 percent of total water supply usage in dry years, or to 47 percent in average years.⁴ The City's imported supplies will decrease significantly from 86 percent to 51 percent of water supply use in dry years, or to 53 percent in average years. With its current water supplies, planned future water conservation, and planned future water supplies, LADWP has available supplies to meet all demands under all three hydrologic scenarios (normal, dry, and multiple dry years) through the 25-year planning period covered by the 2015 UWMP.

Energy Consumption and Air Quality

² Los Angeles Department of Water and Power, 2015 Urban Water Management Plan, page ES-23.

³ Los Angeles Department of Water and Power, 2015 Urban Water Management Plan, page ES-1.

⁴ Los Angeles Department of Water and Power, 2015 Urban Water Management Plan, page ES-20.

(a) *Electricity*

(i) *Construction*

The Proposed Project's construction activities would increase the demand for electricity use related to the treatment and conveyance of water for dust suppression activities during the excavation and grading phase. As compared to the existing electricity demand (approximately 2,607,637 kWh/year), the amount of annual electricity use during construction would be approximately 20,943 kWh/year, which represents approximately 0.9 percent of the existing annual electricity use at the Development Site. As such, the energy requirements and energy use during construction would not cause wasteful, inefficient, and unnecessary use of energy, and impacts would be less than significant.

(ii) *Operation*

Development of the Proposed Project would increase the existing demand for electricity service in the Project Area. The total electricity demand from the Proposed Project would be approximately 6,512,372 kWh/year. The existing buildings and parking lot use within the Development Site generate a demand for approximately 2,607,637 kWh/year. Therefore, the Proposed Project's estimated net increase in electricity demand is approximately 3,904,735 kWh/year.

As required by the City of Los Angeles Green Building Code and 2019 Title 24 Standards the Proposed Project would be required to incorporate eco-friendly building materials, systems, and features, including Energy Star appliances, water saving and low-flow fixtures, drought tolerant planting, and high performance building envelopment. With these modern energy-efficient fixtures and appliances, the Proposed Project would promote energy conservation in accordance with the policies identified in Title 24, the LA Green Building Code, L.A's Green New Deal - Sustainable City pLAN 2019, LADWP's 2017 SLTRP, and the City of Los Angeles General Plan Framework. As such, the energy requirements and energy use of the Project related to electricity during operation would not cause wasteful, inefficient, and unnecessary use of energy, and impacts would be less than significant.

(b) *Natural Gas*

(i) *Construction*

Construction activities, including the construction of new buildings and facilities, typically do not involve the consumption of natural gas. Accordingly, natural gas would not be supplied to support Project construction activities; thus, there would be no expected demand generated by construction of the Project.

(ii) *Operation*

The Proposed Project would increase demand for natural gas service on the Development Site. The Proposed Project's net natural gas demands are estimated to be approximately 4,505,873 kBTU/year, or approximately 367,981 cf/month. The Proposed Project would promote energy conservation in accordance with the policies identified in 2019 Title 24 Standards, the LA Green Building Code, and LA's Green New Deal - Sustainable City pLAN 2019. The Proposed Project would also not include any hearths and/or fireplaces, which require natural gas (see GHG-PDF-1). Similar to electricity use, the increased energy conservation factors resulting from compliance

with the 2016 Title 24 Standards are accounted for in the CalEEMod's calculation of the Proposed Project's natural gas use. Implementation of regulatory compliance measures mandated by the LA Green Building Code would further reduce demand for natural gas, which are not included in the Proposed Project's estimated natural gas demand as a conservative estimate. As such, the energy requirements and energy use of the Proposed Project related to natural gas during operation would not cause wasteful, inefficient, and unnecessary use of energy, and impacts would be less than significant.

(c) *Transportation Fuel*

(i) *Construction*

Transportation energy would be consumed during the demolition, excavation, and construction phases of the Proposed Project in the form of petroleum-based fuels associated with the use of off-road construction vehicles and equipment on the Development Site, construction worker travel to and from the Development Site, and delivery and haul truck trips (e.g., hauling of demolition material to off-site reuse and disposal facilities). As discussed in greater detail in Section IV.B, Energy, of the Draft EIR, construction of the Proposed Project would consume a total of approximately 185,815 gallons of transportation fuel, including 132,033 gallons of diesel and 53,782 gallons of gasoline.

Trucks and equipment used during proposed construction activities would comply with California Air Resources Board's (CARB) anti-idling regulations as well as the In-Use Off-Road Diesel-Fueled Fleets regulation. In addition to reducing criteria pollutant emissions, compliance with the anti-idling and emissions regulations would also result in efficient use of construction-related energy and reduce fuel consumption. In addition, on-road vehicles (i.e., haul trucks, worker vehicles) would be subject to Federal and state fuel efficiency requirements. Therefore, the Proposed Project's construction activities would comply with existing energy standards with regard to transportation fuel consumption. As such, the demand for petroleum-based fuel during construction would not cause wasteful, inefficient, and unnecessary use of energy.

(ii) *Operation*

The Proposed Project would generate a demand on fossil fuels as a result of the vehicle trips traveling to and from the Development Site. It is conservatively estimated that the operation of the Proposed Project would generate an increased net demand for approximately 23,118 gallons of diesel and 158,436 gallons of gasoline per year over existing conditions.

As discussed in Section IV.I, Transportation of the Draft EIR, the Proposed Project would include TDM strategies including unbundled parking, promotions, and marketing of alternative transportation options, and providing bicycle parking pursuant to the LAMC. The incorporation of these TDM strategies would reduce average weekday vehicle trips from 6,571 trips to 6,143 trips and would result in an approximate reduction of 1,154,625 VMTs per year as compared to the Proposed Project without mitigation. As related to the Proposed Project's transportation fuel use, this reduction in VMT would result in a reduction of 6,450 gallons of diesel fuel and 40,574 gallons of gasoline on an annual basis (see Appendix D, Energy Demand Calculations). Therefore, the Proposed Project's operational transportation fuel use would be further reduced with implementation of TDM strategies. As such, the energy requirements and energy use of the Proposed Project as related to petroleum-based fuels during operation would not cause wasteful, inefficient, and unnecessary use of energy, and impacts would be less than significant.

Environmental Hazards

As discussed in Section IV.D, Hazards and Hazardous Materials of the Draft EIR, the types and amounts of hazardous materials that would be used in connection with the Project would be typical of those used for residential and commercial developments. Specifically, operation of the Project would be expected to involve the use and storage of small quantities of potentially hazardous materials in the form of cleaning solvents, painting supplies, pesticides for landscaping, and petroleum products. Construction of the Project would also involve the temporary use of potentially hazardous materials, including vehicle fuels, paints, oils, and transmission fluids. However, all potentially hazardous materials would be used and stored in accordance with manufacturers' instructions and handled in compliance with applicable federal, state, and local regulations. In addition, there are regulations aimed at establishing specific guidelines regarding risk planning and accident prevention, protection from exposure to specific chemicals, and the proper storage of hazardous materials. The Project would be in full compliance with all applicable federal, state, and local requirements concerning the use, storage, and management of hazardous materials. Any associated risk would be reduced to a less than significant level through compliance with these standards and regulations. Additionally, although the Project Site is located in a Methane Zone, the Project will be designed and constructed in accordance with the recommendations in the Methane Report and to the satisfaction of LADBS. As such, compliance with regulations, standards, and incorporation of PDF-HAZ-1 (Methane) would serve to protect against significant and irreversible environmental change that could result from environmental accidents associated with the project.

X. Growth-Inducing Impacts

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

The Proposed Project would construct and operate a mixed-use project with 331 multi-family dwelling units and 83,994 square feet of newly developed commercial space, with an estimated buildout year of 2023. The 331 multi-family dwelling units are anticipated to create 801 new residents in the Wilshire Community Plan area. The Proposed Project's population growth represents approximately 0.73 percent of the total population growth anticipated to occur within the City of Los Angeles between 2019 and 2023, as stated in SCAG's 2016-2040 RTP/SCS. On a regional scale, the Proposed Project represents only 0.64 percent of the growth that is expected to occur in the SCAG region between 2019 and 2023, and approximately 0.12 percent of the Citywide total growth for the period of 2019 to 2040. The 801 new residents anticipated to be generated by the Proposed Project would result in a negligible increase in the City's population growth forecast and would be within SCAG's regional population growth projection.

During construction, the Project would create temporary construction-related jobs. However, the work requirements of most construction projects are highly specialized such 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. Thus, construction workers would not be expected to relocate to the vicinity of the Project Site as a direct consequence of working on the Project. Therefore, the Project would not be considered growth inducing from a short-term employment perspective. Rather, the Project would provide a benefit by providing new employment opportunities during the construction period.

With respect to employment during operation of the Proposed Project, the 83,994 square feet of new commercial uses would generate a need for approximately 319 new employees, with an overall net increase of 5 employees when considering the existing uses on the Development Site. 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 surrounding communities, and who generally do not locate their households due to such employment opportunities. As such, the commercial component of the Proposed Project would be unlikely to create an indirect demand for additional dwelling units in the area. Therefore, the potential growth associated with Proposed Project's employees would be less than significant.

The Project Site is located in an infill property and is adequately supported by existing roadways and is already served by existing infrastructure associated with sewer systems, potable water delivery systems, electricity, and natural gas. Additionally, the Project Site is adequately served by public services including fire, police, schools, parks, and libraries and would not generate the need for additional services or service provider infrastructure to serve the Project Site. Based on the analysis presented in Sections IV.H, Public Services, and Section IV.K, Utilities and Service Systems, the Proposed Project would result in less than significant impacts.

Overall, the Project 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 VMT. In addition, the Project would not require any major roadway improvements nor would the Project open any large undeveloped areas for new use. Any access improvements would be limited to driveways necessary to provide immediate access to the Project Site and to improve safety and walkability. Therefore, direct and indirect growth-inducing impacts would be less than significant.

XI. Energy Conservation

The Proposed Project's consumption of energy resources is discussed in Section IV, B Energy Conservation of the Draft EIR. As discussed in Section II, Project Description of the Draft EIR, the Proposed Project would be constructed to incorporate environmentally sustainable building features and construction protocols required by the Los Angeles Green Building Code and CALGreen. These standards would reduce energy and water usage and waste and, thereby, reduce associated greenhouse gas emissions and help minimize the impact on natural resources and infrastructure. The Proposed Project would be designed to meet the minimum energy efficiency standards of the Los Angeles Green Building Code and will demonstrate that it meets the City's standard of sustainability by meeting the intent of the criteria for certification at the U.S. Green Building Council's (USGBC) Leadership in Energy Efficiency and Design (LEED) certified level or equivalent.

XII. Statement of Overriding Considerations

The Draft EIR and Final EIR determined that the Project would not result in any significant and unavoidable impacts. As discussed above, all of the environmental impacts resulting from the construction and operation of the Project were found to either be less than significant prior to implementation of mitigation measures and/or reduced to less than significant levels with

implementation of mitigation measures. As such, a Statement of Overriding Considerations is not required for the Project.

General Findings

1. The City, acting through the Department of City Planning, is the “Lead Agency” for the project evaluated in the EIR. The City finds that the EIR was prepared in compliance with CEQA and the CEQA Guidelines. The City finds that it has independently reviewed and analyzed the EIR for the project, that the Draft EIR which was circulated for public review reflected its independent judgment and that the Final EIR reflects the independent judgment of the City.
2. The EIR evaluated the following potential project and cumulative environmental impacts: air quality, greenhouse gas emissions, hazards and hazardous materials, land use and planning, noise, population and housing, public services, transportation, utilities and service systems, energy, Tribal Cultural Resources, alternatives, and other CEQA considerations. Additionally, the EIR considered, in separate sections, Significant Irreversible Environmental Changes and Growth Inducing Impacts. The significant environmental impacts of the project and the alternatives were identified in the EIR.
3. The City finds that the EIR provides objective information to assist the decision makers and the public at large in their consideration of the environmental consequences of the project. The public review periods provided all interested jurisdictions, agencies, private organizations, and individuals the opportunity to submit comments regarding the Draft EIR. The Final EIR was prepared after the review periods and responds to comments made during the public review periods.
4. The Department of City Planning evaluated comments on environmental issues received from persons who reviewed the Draft EIR. In accordance with CEQA, the Department of City Planning prepared written responses describing the disposition of significant environmental issues raised. The Final EIR provides adequate, good faith and reasoned responses to the comments. The Department of City Planning reviewed the comments received and responses thereto and has determined that neither the comments received nor the responses to such comments add significant new information regarding environmental impacts to the Draft EIR. The Lead Agency has based its actions on full appraisal of all viewpoints, including all comments received up to the date of adoption of these findings, concerning the environmental impacts identified and analyzed in the EIR.
5. The Final EIR documents changes to the Draft EIR. Having reviewed the information contained in the Draft EIR, the Final EIR, and the administrative record, as well as the requirements of CEQA and the CEQA Guidelines regarding recirculation of Draft EIRs, the City finds that there is no new significant impact, substantial increase in the severity of a previously disclosed impact, significant new information in the record of proceedings or other criteria under CEQA that would require additional recirculation of the Draft EIR, or that would require preparation of a supplemental or subsequent EIR. Specifically, the City finds that:
 - The Responses to Comments contained in the Final EIR fully considered and responded to comments claiming that the project would have significant impacts or more severe impacts not disclosed in the Draft EIR and include substantial evidence that none of these comments provided substantial evidence that the

project would result in changed circumstances, significant new information, considerably different mitigation measures, or new or more severe significant impacts than were discussed in the Draft EIR.

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

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

COVID-19 UPDATE

Interim Appeal Filing Procedures

Fall 2020



Consistent with Mayor Eric Garcetti's "Safer At Home" directives to help slow the spread of COVID-19, City Planning has implemented new procedures for the filing of appeals for non-applicants that eliminate or minimize in-person interaction.

OPTION 1: Online Appeal Portal

(planning.lacity.org/development-services/appeal-application-online)

Entitlement and CEQA appeals can be submitted online and payment can be made by credit card or e-check. The online appeal portal allows appellants to fill out and submit the appeal application directly to the Development Services Center (DSC). Once the appeal is accepted, the portal allows for appellants to submit a credit card payment, enabling the appeal and payment to be submitted entirely electronically. A 2.7% credit card processing service fee will be charged - there is no charge for paying online by e-check. Appeals should be filed early to ensure DSC staff has adequate time to review and accept the documents, and to allow Appellants time to submit payment. On the final day to file an appeal, the application must be submitted and paid for by 4:30PM (PT). Should the final day fall on a weekend or legal holiday, the time for filing an appeal shall be extended to 4:30PM (PT) on the next succeeding working day. Building and Safety appeals (LAMC Section 12.26K) can only be filed using Option 2 below.

OPTION 2: Drop off at DSC

An appellant may continue to submit an appeal application and payment at any of the three Development Services Center (DSC) locations. City Planning established drop off areas at the DSCs with physical boxes where appellants can drop.

Metro DSC

(213) 482-7077
201 N. Figueroa Street
Los Angeles, CA 90012

Van Nuys DSC

(818) 374-5050
6262 Van Nuys Boulevard
Van Nuys, CA 91401

West Los Angeles DSC

(310) 231-2901
1828 Sawtelle Boulevard
West Los Angeles, CA 90025

City Planning staff will follow up with the Appellant via email and/or phone to:

- Confirm that the appeal package is complete and meets the applicable LAMC provisions
- Provide a receipt for payment