

EXHIBIT 1 - Modified CEQA Findings

Council File 19-0370-S2
DIR-2022-14-CLQ-HCA-1A

The Fig Project

California Environmental Quality Act (CEQA) Findings

Background

Pursuant to the California Environmental Quality Act, Public Resources Code Sections 21000 et seq. (CEQA) and the State CEQA Guidelines, Title 14, California Code of Regulations, Sections 15000 et seq. (CEQA Guidelines), on February 14, 2019 the City of Los Angeles (City), acting as lead agency, certified an Environmental Impact Report (EIR) for The Fig Project (ENV-2016-1892-EIR, State Clearinghouse No. 2016071049) (Certified EIR). The Certified EIR analyzed a project (Original Project) that included the construction of a seven-story mixed-use development comprised of Hotel, Student Housing, and Mixed-Income Housing components, within three separate buildings including up to 298 guest rooms, 408 residential dwelling units (77 units reserved for Low Income households and 5 units reserved for Very Low Income households), 55,326 square feet of retail restaurant floor area, 20,364 square feet of office floor area, and 7,203 square feet of public meeting space. The City found that the Certified EIR was completed in compliance with CEQA and State and City CEQA Guidelines, and adopted findings, including a Statement of Overriding Considerations and a Mitigation Monitoring and Reporting Program.

Subsequently, the City prepared an Addendum to the Certified EIR, dated October 2022, to analyze the potential impacts of proposed modifications to the Original Project (the Modified Project or 2022 Project). The Modified Project consists of 435 dwelling units (348 student housing units and 87 affordable housing units), and 23,670 square feet of commercial uses. The Modified Project would centralize parking within the Project Site into a parking structure, lined with residential and commercial uses on all frontages. The total amount of development would be 577,700 square feet under the Modified Project

CEQA Authority for an Addendum

CEQA establishes the type of environmental documentation required when changes to a project occur after an EIR is certified. Specifically, Section 15164(a) of the CEQA Guidelines states that:

The lead agency or responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred.

Section 15162 of the CEQA Guidelines requires the preparation of a Subsequent EIR when an EIR has been certified or a negative declaration has been adopted for a project and one or more of the following circumstances exist:

1. Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

2. Substantial changes occur with respect to the circumstances under which the project is undertaken, which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:
 - a. The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
 - b. Significant effects previously examined will be substantially more severe than shown in the previous EIR;
 - c. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
 - d. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

Likewise, California Public Resources Code (PRC) Section 21166 states that unless one or more of the following events occur, no Supplemental or Subsequent EIR shall be required by the lead agency or by any responsible agency:

- Substantial changes are proposed in the project which will require major revisions of the environmental impact report;
- Substantial changes occur with respect to the circumstances under which the project is being undertaken which will require major revisions in the environmental impact report; or
- New information, which was not known and could not have been known at the time the EIR was certified as complete, becomes available.

As demonstrated by the Addendum, impacts associated with the Modified Project would be similar to or less than the impacts addressed in the Certified EIR. All the Modified Project's environmental impacts would be the same or less than those identified for the Original Project in the Certified EIR. No substantial changes would occur with respect to the circumstances under which the Modified Project is undertaken that will require major revisions of the Certified EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. Additionally, the Addendum supplements the information necessary for evaluation of the Modified Project and does not present new information of substantial importance relative to any of the environmental topic categories that would result in new or more severe significant environmental impacts not previously disclosed or increase the severity of the significant events already evaluated in the Certified EIR. In addition, the applicable mitigation measures included as part of the Certified EIR would continue to be implemented under the Modified Project. Additionally, there are no known mitigation measures or Project alternatives

that were previously considered infeasible but are now considered feasible that would substantially reduce one or more significant effects on the environment identified in the Certified EIR.

As all of the impacts of the Modified Project would be within the envelope of impacts analyzed in the Certified EIR, none of the conditions described in PRC Section 21166 and CEQA Guidelines Sections 15162 and 15163 requiring a Supplemental or Subsequent EIR would occur. Therefore, the Modified Project would not create any potential adverse impacts beyond those evaluated in the Certified EIR. Based on this determination, the changes proposed under the Modified Project do not meet the criteria for preparation of a Supplemental or Subsequent EIR pursuant to PRC Section 2116 and CEQA Guidelines Sections 15162 and 15163.

CEQA Findings

Pursuant to CEQA, the City serves as the lead agency with respect to the Modified Project in connection with the subject City actions. Accordingly, the City (a) has considered the Certified EIR, Addendum, Joint Analysis, and other pertinent evidence in the record, including studies, reports, and other information from qualified experts (collectively the Environmental Documents) and the environmental effects of the Modified Project as set forth in the Environmental Documents, and (b) makes the following findings:

Based on the independent judgment of the decision-maker, after consideration of the whole of the administrative record, the project was assessed in the Convention and Event Center and EIR, EIR No. ENV-2011-585-EIR, SCH No. 2011031049, certified on October 2012; and pursuant to CEQA Guidelines 15162 and 15164, and the Addendum and Joint Analysis dated December 2021, no major revisions are required to the EIR and no subsequent EIR or negative declaration is required for approval of the project.

Record of Proceedings

The record of proceedings for the decision includes the Record of Proceedings for the CEQA Findings for the Certified EIR, all items in the Addendum file, and all written and oral information submitted at the hearing on this matter. The documents and other materials that constitute the record of proceedings on which the City of Los Angeles' CEQA Findings are based are located at the Department of City Planning, 221 N. Figueroa Street, Suite 1350, Los Angeles, CA 90021.