DEPARTMENT OF CITY PLANNING

APPEAL RECOMMENDATION REPORT

City Planning Commission

Date: November 10, 2016
Time: After 8:30 A.M.
Place: Los Angeles City Hall
200 North Spring Street
Council Chamber, Room 340
Los Angeles, CA 90012

Public Hearing Completed: September 21, 2016
Expiration Date: November 28, 2016
Appeal Status: Pursuant to LAMC Section 17.06, the Tract Map is appealable to City Council

Case No.: VTT-74131-1A
CEQA No.: ENV-2015-897-EIR (SCH No. 2016011061)
Incidental Cases: VTT-74131; CPC-2015-896-GPA-VZC-HD-MCUP-ZV-DB-SPR
Related Cases: None
Council No.: 5 – Paul Koretz
Plan Area: Wilshire
Specific Plan: None
Certified NC: Mid City West
GPLU: Neighborhood Office Commercial
Proposed GPLU: General Commercial
Zone: C2-1VL-O
Proposed Zone: (T)(Q)C2-2D-O
Applicant Representative: CRM Properties
George J. Mihlsten
Latham & Watkins LLP

Appellants: (1) Joseph Bourgeois,
SoCal Environmental Justice Alliance

(2) Beverly Wilshire Homes Association, Inc.

PROJECT LOCATION: 333 S. La Cienega Boulevard

PROPOSED PROJECT: The project, as approved by the Deputy Advisory Agency on October 14, 2016, Vesting Tentative Tract Map No. 74131, consists of one master ground lot and four airspace lots for the development of a mixed-use development consisting of: a 16 percent Density Bonus to provide an additional 20 units in lieu of 125 base units, for a total of 145 residential units, with 10 percent of the permitted base density set aside for affordable housing, and 31,055 square feet of commercial uses consisting of a 27,685 square-foot grocery market and a 3,370 square-foot restaurant. Of the total 145 units, the project will set aside 7 units for Very Low Income Households and 6 units for Moderate Income Households. The project site is developed with a single-tenant department store space (formerly a Loehmann's). The project consists of demolition of the department store building and new construction.

REQUESTED ACTIONS:

1. Pursuant to LAMC Section 17.03 of the Los Angeles Municipal Code, **appeals** of the Deputy Advisory Agency's approval of **Vesting Tentative Tract No. 74131**;
2. Pursuant to Section 21082.1(c)(3) of the California Public Resources Code, the Certification of the Environmental Impact Report (EIR), ENV-2015-897-EIR, SCH No. 2016011061, for the above-

referenced project, and Adoption of the Statement of Overriding Considerations setting forth the reason and benefits of adopting the EIR with full knowledge that significant impacts may remain;

3. Pursuant to Section 21801.6 of the California Public Resources Code, the Adoption of the proposed Mitigation Monitoring Program; and,
4. Pursuant to Section 21081 of the California Public Resources Code, the Adoption of the required Findings for the adoption of the EIR.

RECOMMENDED ACTIONS:

1. **Deny** in part, **grant** in part, the appeals of VTT-74131-1A, denying the appeals of the overall project and to allow staff to make technical corrections to the Conditions of Approval.
2. **Find** that the City Planning Commission (CPC) has reviewed and considered the information contained in the Environmental Impact Report (EIR) prepared for this project, which includes the Draft EIR, No. **ENV-2015-897-EIR**, (SCH. No. **2016011061**) dated May 19, 2016, and the Final EIR dated September 12, 2016, (collectively, "333 S. La Cienega Project EIR"), as well as the whole of the administrative record.

Certify the following:

a. The 333 S. La Cienega Project EIR has been completed in compliance with the California Environmental Quality Act (CEQA);

b. The 333 S. La Cienega Project EIR was presented to the CPC as a decision-making body of the lead agency; and

c. The 333 S. La Cienega Project EIR reflects the independent judgment and analysis of the lead agency.

Adopt all of the following:

a. The related and prepared 333 S. La Cienega Project EIR Environmental Findings;

b. The Statement of Overriding Considerations; and

c. The Mitigation Monitoring Program prepared for the 333 S. La Cienega Project EIR.

VINCENT P. BERTONI, AICP
Director of Planning

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Charles J. Rausch, Jr.,
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ADVICE TO PUBLIC: *The exact time this report will be considered during the meeting is uncertain since there may be several other items on the agenda. Written communications may be mailed to the *Commission Secretariat, 200 North Spring Street, Room 532, Los Angeles, CA 90012* (Phone No. 213-978-1300). While all written communications are given to the Commission for consideration, the initial packets are sent out the week prior to the Commission's meeting date. If you challenge these agenda items in court, you may be limited to raising only those issues you or someone else raised at the public hearing agendized herein, or in written correspondence on these matters delivered to this agency at or prior to the public hearing. As a covered entity under Title II of the Americans with Disabilities Act, the City of Los Angeles does not discriminate on the basis of disability, and upon request, will provide reasonable accommodation to ensure equal access to this programs, services and activities. Sign language interpreters, assistive listening devices, or other auxiliary aids and/or other services may be provided upon request. To ensure availability of services, please make your request not later than three working days (72 hours) prior to the meeting by calling the Commission Secretariat at (213) 978-1300.

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Exhibits:

A – Appeal Documents

B – VTT-74131 Advisory Agency Decision Letter

EIR: http://planning.lacity.org/eir/333LaCienaga/index.html

PROJECT SUMMARY

Two appeals have been filed against the Deputy Advisory Agency's approval of Vesting Tentative Tract Map No. 74131 to permit one master ground lot and four airspace lots for the development of a mixed-use development consisting of: a 16 percent Density Bonus to provide an additional 20 units in lieu of 125 base units, for a total of 145 residential units, with 10 percent of the permitted base density aside for affordable housing, and 31,055 square feet of commercial uses consisting of a 27,685 square-foot grocery market and a 3,370 square-foot restaurant. As part of the total 145 units, the project will set aside 7 units for Very Low Income Households and 6 units for Moderate Income Households.

The project site is relatively flat and irregularly shaped, totaling approximately 1.15 net acres (50,216 net square feet). The site is bounded by 3rd Street to the north, Burton Way to the south, La Cienega Boulevard to the east, and San Vicente Boulevard to the west. The project site is zoned C2-1VL-O.

The applicant, CRM Properties, is proposing to construct the aforementioned mixed-use development that includes a retail podium and a residential tower up to 240 feet tall. The project includes 362 parking spaces and 299 bicycle parking stalls. The project will contain 294,294 square feet of floor area upon full build out.

CONCLUSION

In consideration of the request, the Deputy Advisory Agency acted reasonably in approving Vesting Tentative Tract Map No. 74131. Specifically, the tract map and the project's proposed mix of uses are consistent with the proposed (T)(Q)C2-2D-O Zone and proposed General Commercial land use designation. In addition, the proposed project will serve the community by providing a new mixed-use development consisting of: a 16 percent Density Bonus to provide an additional 20 units in lieu of 125 base units, for a total of 145 residential units, with 10 percent of the permitted base density aside for affordable housing, and 31,055 square feet of commercial uses consisting of a 27,685 square-foot grocery market and a 3,370 square-foot restaurant. As part of the total 145 units, the project will set aside 7 units for Very Low Income Households and 6 units for Moderate Income Households. Therefore, in consideration of all the facts, Planning staff recommends that the decision of the Deputy Advisory Agency be denied in part and granted in part.

APPEAL ANALYSIS

Appellant 1: Joseph Bourgeois, SoCal Environmental Justice Alliance (SEJA)

The Appellant has resubmitted his Draft EIR comment letter dated July 5, 2016 as part of his appeal application (see attached Exhibit A for the Appellant's entire letter). The Appellant's statements are duplicative of his July 5, 2016 comment letter to the Draft EIR, which were fully responded to in the Final EIR Response to Comment Letter 7. In that letter, SEJA contended that the EIR is flawed and that it should be redrafted and recirculated for the reasons which include, but are not limited to, the following reasons below. The Appellant does not provide any new information or substantial evidence to justify the recirculation of the EIR or to otherwise dispute the findings of the EIR. A more detailed response to each of the Appellant's statements from the July 5, 2016 letter can be found in the Final EIR. However, below is a summary of the responses to the Appellant's July 5, 2016 comment letter.

Appellant's Statements: Air Quality

- The air quality impact analysis does not disclose its modeling assumptions, provides an inaccurate cumulative analysis, and does not contain mitigation measures.

Staff Response

The Leady Agency made the air quality analysis available to the public in conformance with standard practices. Project Design Features (PDFs) addressing potential air quality impacts are included in the Mitigation Monitoring Program (MMP) and as a Condition of Approval of the project. Contrary to the Appellant's assertion, these phases of construction were modeled using the California Emissions Estimator Model (CalEEMod), Version 2013.2.2, as recommended by SCAQMD. The methodology applied to the air quality cumulative analysis is appropriate and, as stated in the Section 3, Air Quality, of the Initial Study, the proposed project would not result in a cumulative air quality impact.

Appellant's Statements: GHG Emissions

- The EIR does not model GHG emissions from the construction of a concrete building.

Staff Response

The comment states that the EIR's GHG emissions analysis did not account for the construction of the concrete structure, citing a 7 percent GHG emissions rate for the entire state. However, applying a blanket 7 percent GHG emissions rate from across all projects that use concrete would be inappropriate for an individual project.

Appellant's Statements: Trip Generation

- Under operational assumptions, the EIR relies on speculations of trip generation that are not supported by substantial evidence. The EIR says that its calculations are reduced by 5% for "internal trip reductions" for the supermarket and restaurant uses, and that trips for all uses are reduced by 15% for transit and walk trips. This is improper double counting.

Staff Response

The comment erroneously contends that the EIR should use trip generation rates from an older, outdated version of the Institute of Transportation Engineers' Trip Generation Manual,

specifically the 8th edition. The project estimated using trip rates from the *Trip Generation Manual 9th Edition* (Institute of Transportation Engineers, 2012) as cited in *333 La Cienega Boulevard Project Traffic Study*. The Appellant is incorrect in stating that the methodology by which the trip reductions were applied constitutes "double counting." The internal trip reduction was calculated first and then subtracted from the total number of trips the project is expected to generate. The trip reduction associated with transit and walk trips was then applied to the net total vehicle trips after the internal trips were subtracted. The same process was used in applying the trip reductions associated with the pass-by reductions.

Appellant's Statements: Paleontological Resources

- Discussions of paleontological resources and relevant mitigation measures should be in the EIR as opposed to only in the Initial Study.

Staff Response

The Initial Study determined that there were no significant impacts with respect to paleontological resources and, therefore, the topic of paleontological resources was not carried forward to be analyzed in the EIR.

Appellant's Statements: Liquefaction

- While prior investigations for the project site indicated that the liquefaction potential is "low," the EIR does not provide substantial evidence to support this claim.

Staff Response

While the project site is located in an area considered to have high potential for liquefaction from seismic shaking (i.e., liquefiable area), as designated by the Los Angeles General Plan Safety Element and the California Geological Survey (CGS), the Geotechnical Constraints Review concluded that potential for liquefaction on the project site is considered low. Nonetheless, given the location of the project, liquefiable soils will be considered in the design of proposed structure and during construction site preparation activities. The Draft EIR included the Geotechnical Constraints Review report in its Appendix A.1 – Initial Study Appendices.

Appellant's Statements: Soils

- The EIR does not provide adequate information with which to analyze the impacts of previously documented soils, and methane gas hazards. The EIR also fails to provide any specifics about the gas detection system.

Staff Response

The Initial Study determined that there were no significant impacts with respect to hazards and hazardous materials and, therefore, this topic was not carried forward to be analyzed in the EIR. Nonetheless, mitigation measures ensure the proper handling and removal of Lead Based Paint through the preparation and implementation of a site-specific Health and Safety Plan in accordance with federal OSHA regulations, and the preparation and implementation of a Soil and Groundwater Management Plan. The project site has been identified by the Los Angeles Department of Building and Safety (LADBS) as being located in a Methane Zone. However, none of the detected concentrations were above the threshold for significant impacts for methane as identified in the LADBS Methane Mitigation Standards. Nonetheless, the project would be required to comply with requirements set forth in the Los Angeles Building Code,

Division 71, and the Methane Mitigation Standards established by the LADBS, and would implement a gas-detection system as defined by Section § 91.7102 of the LAMC.

Appellant's Statements: Dewatering

- The Draft EIR fails to discuss the potential for dewatering to occur.

Staff Response

The Initial Study concluded that there would be no significant impacts as a result of dewatering after implementation of mitigation measures, including a requirement for the project applicant to file a Report of Waste Discharge, to reduce potential impacts.

Appellant's Statements: Police Services

- The EIR should have assessed the present ratio of residents to police officers and how the project and other cumulative projects will affect that ratio.

Staff Response

Consultation with the LAPD has indicated that, considering the density of the project vicinity and the location of the police station therein, the addition of 528 persons would not significantly impact service levels of the Wilshire Community Police Station. Thus, it was determined that there would be a less-than-significant impact on police protections services given the proposed project's contribution to the population in the service area, confirmation of service from the Wilshire Community Police Station, and the implementation of a private security plan.

Appellant's Statements: Quimby Fees

- The project applicant cannot rely on the payment of Quimby Fees as mitigation.

Staff Response

The payment of fees to the Park and Recreational Sites and Facilities Fund, combined with the amount of common open space and recreational amenities being proposed on the project site, are both considered features that would reduce the demand for park services as identified by the *L.A. CEQA Thresholds Guide*. Thus, the combination of these features would ensure that impacts to park and recreational facilities are less than significant.

Appellant's Statements: Trip Credit

- The EIR improperly takes credit for the former use as a Loehmann's Department Store even though the building has been vacant for 1.5 years.

Staff Response

LADOT Traffic Study Guidelines, Section F (3), allow trip credits to be taken for an existing use that was active for at least six months during the past two years. In addition, this methodology is consistent with CEQA's requirements that the existing conditions will normally constitute the baseline for purposes of analyzing a project's impacts, as set forth in *CEQA Guidelines* Section 15125(a) and 15126.2(a).

Appellant's Statements: Disaster Route

- Road closures during construction would cause a significant impact since La Cienega Boulevard is designated a disaster route by the County of Los Angeles; and there would not be adequate parking for construction workers in commercial areas.

Staff Response

La Cienega Boulevard is a designated disaster route in the General Plan Safety Element. To ensure that emergency access is maintained throughout construction, the Applicant would implement a Construction Traffic Management Plan (CTMP), thereby reducing potential impacts associated with interruption of emergency access during construction. As part of the CTMP, the project will notify the City of Los Angeles, City of Beverly Hills, and County of Los Angeles as to expected lane closures and their duration so that appropriate measures can be taken in the case of an emergency. As the expected closures would only require closing a single travel lane and not the entire roadway, emergency personnel would still be able to use La Cienega Boulevard to transportation equipment, personnel and supplies as normal. The CTMP would be approved by LADOT prior to any construction. The CTMP also includes a provision that requires the Applicant to identify locations in the immediate vicinity where construction workers could park their vehicles during project construction.

Appellant's Statements: Construction PM Peak Hour Trips

- The EIR does not analyze the cumulative impacts of construction workers during the PM peak hour and the impacts of the overlap of haul routes during project construction.

Staff Response

According to the project Traffic Study, the PM peak hour in the surrounding vicinity of the project site occurs from 4:45 p.m. to 5:45 p.m. Thus, construction worker trip departures that occur between the hours of 3:00 p.m. and 4:00 p.m. would be before the PM peak hour. Similarly, the related projects construction worker trips would likely arrive at the individual construction sites during the off-peak hours, for instance, arriving prior to 7:00 a.m. and leaving prior to 4:00 p.m. Accordingly, the departures for the proposed project and related projects would not occur during the PM peak hour, should construction of these projects occur at the same time. In regards to haul routes, the haul truck routes for the proposed project and related projects would be approved by LADOT and/or the Department of Building and Safety according to the location of the individual construction site and the ultimate destination. Furthermore, as required by LADOT, the proposed project and related projects would be required to prepare a CTMP. Implementation of the CTMP would ensure that disaster detour routes are established in the event that construction lane closures are necessary.

Appellant's Statements: General Plan Consistency

- The EIR claims that the project is "generally consistent" with the GP Framework Land Use chapter, but the project is increasing density all over the City in violation of existing zoning and General Plan provisions.

Staff Response

With regard to General Plan Amendments and density, City Charter Sections 555, 556 and 558 permit General Plan Amendments and Los Angeles Municipal Code (LAMC) 11.5.6 sets forth the requirements. The project is consistent with the relevant goals, objectives, and policies of the General Plan Framework Land Use Chapter, Urban Form and Neighborhood Design

Chapter, Open Space and Conservation Chapter, Economic Development Chapter and Infrastructure and Public Services Chapter. Section 4.2, *Land Use*, of the Draft EIR, contains a thorough discussion of the project's consistency with adopted environmental goals or policies in Table 4.2-1. As described therein, the project is consistent with the goals and policies of the General Plan Framework and Wilshire Community Plan. Furthermore, a discussion on an increase in population and housing, is included Section 13, *Population and Housing*, in the Initial Study. As described in that section, the project and related projects' cumulative population increase represent approximately 4.4 percent of the City's anticipated population increase; thus, growth anticipated from the project and related projects is within the City's growth projections and impacts were found not to be significant.

Appellant's Statements: Visual Character

- The EIR asserts that the project is "compatible" with neighboring uses even though it would be 20 stories tall.

Staff Response

Regarding visual character, the project design fits within the context of the high-density, highly urbanized project area. Furthermore, pursuant to SB 743, for projects like this one that meet the qualifications of a transit-oriented, infill project, aesthetic and parking impacts are not considered significant impacts under CEQA.

Appellant's Statements: Noise

- The EIR fails to acknowledge noise impacts.

Staff Response

Pages 4.3-37 through 4.3-38 of the Draft EIR clearly state that based on the estimated noise levels at the nearest offsite sensitive receptors to the project site, it was determined that an increase in ambient exterior noise levels by 5 dBA or more would occur at all of the identified offsite sensitive receptors, with the exception of the Cedars-Sinai Medical Center. Therefore, the EIR concludes that this impact would be significant and unavoidable.

Appellant's Statements: Alternatives

- The EIR fails to analyze any alternative that is based on a different site.

Staff Response

In addition to analyzing three alternatives, the Draft EIR discusses two alternatives that were considered, but not carried forward in the analysis due to their failure to meet most of the basic project objectives, the alternative's infeasibility, or the alternative's inability to avoid significant environmental impacts. The alternatives to the project that have been considered and rejected as infeasible include an All Commercial Alternative and an Offsite Locations Alternative.

Appellant's Statements: Energy

- The Draft EIR mentions energy saving features, but it does not specifically call out any measures that would qualify as mitigation measures.

Staff Response

Section 18, *Energy Resources*, in the Initial Study, discusses the project's potential impacts on energy resources, focusing on three energy resources: electricity, natural gas, and transportation related energy (petroleum-based fuels). As described therein, the proposed project would not result in impacts on energy resources and, thus, mitigation measures are not required to reduce impacts.

Appellant 2: Beverly Wilshire Homes Association, Inc. (BWHA)

Appellant's Statements: Review Time of Letter of Determination

- The Deputy Advisory Agency did not give BWHA adequate time to evaluate the Letter of Determination (LOD) because the LOD was not mailed until October 14. The LOD was not posted on the City Planning Department's website until October 20. Two business days is not enough time for the public to review the 91 page LOD.
- BWHA did not receive a mailed copy of the LOD, even though BWHA's legal counsel signed up at the Deputy Advisory Agency hearing.

Staff Response

The LOD decision date was October 14, 2016 with a 10-day appeal period ending on October 24, 2016. The 10-day window begins on, and includes, the day of release, October 14th. Contrary to the Appellant's statements, tract LODs are not posted on the City Planning website. In addition, contrary to the Appellant's statements, BWHA's legal counsel did not sign up on the pink notification list per the instructions of the Hearing Officer at the Deputy Advisory Agency's September 21, 2016 hearing for the project. The pink notification list is located in the case file for VTT-74131.

Appellant's Statements: Adequacy of the EIR

- The findings of the EIR are not supported by substantial evidence.
- The Final EIR does not adequately respond to comments in violation of CEQA.

Staff Response

The Appellant does not provide any specific details about which EIR findings are not supported by substantial evidence. Notwithstanding, the LOD includes the full discussion of the EIR findings in the section "Findings of Fact (CEQA)" in the LOD beginning on page 40. The Appellant does not provide any specific details about how the Final EIR does not adequately respond to comments. Notwithstanding, the Final EIR, released on September 12, 2016, adequately responded to all of the comments that were received on the Draft EIR. The Appellant presents no evidence to the contrary.

Appellant's Statements: Health and Safety Infrastructure Impacts

- The EIR fails to adequately analyze health and safety infrastructure impacts.

Staff Response

The Appellant does not provide any specific details about how the EIR fails to adequately analyze health and safety infrastructure impacts. Notwithstanding, the project's Initial Study analyzed potential impacts from Hazards and Hazardous Materials and Utilities and Service Systems, and found those potential impacts to be less than significant. In regard to air quality health impacts, because off-road heavy-duty diesel equipment would be used only for short time periods, project construction does not expose sensitive receptors to substantial emissions of TACs. The LOD in the "Findings of Fact (CEQA)" section, beginning on page 40, summarized the analyses of the environmental impact categories from the Initial Study and Draft EIR. The

333 S. La Cienega EIR and Initial Study disclosed that there are less-than-significant health and infrastructure safety impacts from the project.

Appellant's Statements: Land Use Impacts

- The EIR fails to analyze and disclose the project's land use impacts.

Staff Response

The Appellant does not provide any specific details about how the EIR fails to analyze and disclose the project's land use impacts. Notwithstanding, the EIR includes an analysis of potential Land Use impacts in the section "Land Use and Planning" in the EIR beginning on page 4.2-1, which found that impacts are less than significant. The Draft EIR adequately analyzed land use impacts in the "Environmental Impact Analysis" section of the Draft EIR, beginning on page 4.2-1, and determined land use impacts to be less than significant.

Appellant's Statements: Mitigation Measures

- The mitigation measures do not lessen significant impacts to a level of insignificance, and not all feasible mitigation measures are adopted.

Staff Response

The Initial Study and Draft EIR concluded that all impacts are less than significant with the exception of a noise impacts during construction. Specifically, as the LOD discloses in the section "Environmental Impacts Found To Be Significant and Unavoidable" on page 67, short-term noise impacts from construction at sensitive off-site locations are significant and unavoidable. CEQA does not require that all impacts be reduced to a level of insignificance. Notwithstanding, the EIR considered all feasible mitigation measures to reduce the temporary impact during construction and determined that the impact would still be significant and unavoidable even after the implementation of mitigation measures. The LOD on page 69 clearly states that "[b]ased on the…analysis, the City finds, pursuant to CEQA Guidelines Section 15096(g)(2), that none of the alternatives or feasible mitigation measures within its powers would substantially lessen or avoid the significant effect from construction noise that the project would have on the environment." The Appellant does not provide any substantial evidence about feasible mitigation measures to reduce the short-term noise impacts from construction at sensitive off-site locations to less than significant.

Appellant's Statements: Project Alternatives

- Feasible project alternatives that are less impactful were not adopted.

Staff Response

CEQA does not require that feasible project alternatives that are less impactful be adopted. Rather, CEQA requires that a range of feasible alternatives be analyzed and, among those, that an Environmentally Superior Alternative be identified (CEQA Guidelines Section 15126.6(e)(2)). In addition, an important consideration in the analysis of alternatives is the degree to which the alternative achieves the project objectives. The LOD, beginning on page 68 in the "Alternatives to the Project" section, analyzed three alternatives: the No Project Alternative, the Existing Zoning Alternative (Option 1, Medical Office building + 2, Medical Office/Residential building) and a Reduced Density Alternative. In addition to analyzing these three alternatives, an All

Commercial Alternative and an Off-site Location Alternative were rejected as infeasible due to their failure to meet most of the basic project objectives, the alternative's infeasibility, or the alternative's inability to avoid significant environmental impacts. The LOD discloses on page 69 that none of the alternatives substantially lessen or avoid the significant effect from construction noise from the project. The Existing Zoning Alternative Option 2 was selected as the Environmentally Superior Alternative. However, as explained in the section "Statement of Overriding Considerations" beginning on page 80 of the LOD, the Lead Agency may approve the project if overriding considerations of economic, social, aesthetic and environmental benefits would be sufficient to outweigh the significant unavoidable impact of the project and justify the approval, adoption or issuance of all of the required permits, approvals and other entitlements for the project and the certification of the completed Final EIR. As such, pursuant to Section 21081 of the California Public Resources Code and Section 15093(b) of the CEQA Guidelines, the lead agency adopts a Statement of Overriding Considerations for the project stating the reasons to support its action based on the Final EIR and/or other information in the record. These findings and the Statement of Overriding Considerations are based on substantial evidence in the record, including but not limited to the Final EIR, the source references in the Final EIR, and other documents and material that constitute the record of proceedings. The Appellants does not provide evidence to the contrary.

Appellant's Statements: Statement of Overriding Considerations

- The Statement of Overriding Considerations is not supported by substantial evidence.

Staff Response

The Appellant does not provide any specific details about how the Statement of Overriding Considerations is not supported by substantial evidence. The Statement of Overriding Considerations is discussed beginning on page 80 of the LOD and, as stated therein, the City adopts the Statement of Overriding Considerations fully recognizing the unavoidable noise impact while balancing the project's contributions to the community. Specifically, the project will:

- Develop an infill site with a high-density, mixed-use development with much needed rental housing, including 7 units for Very Low Income Households and 6 units for Moderate Income Households, near employment centers like the Cedars-Sinai Medical Center and Beverly Center, and next to the mixed-use boulevard and district identified in the Wilshire Community Plan along 3rd Street between La Cienega Boulevard and Fairfax Avenue.
- Provide new retail with goods and services needed in the community, specifically a 27,685 square-foot grocery market and a 3,370 square-foot restaurant, that complements the commercial uses in the surrounding vicinity, including the Beverly Center, Beverly Connection, commercial/retail shops along 3rd Street and the ground floor retail located at 8500 Burton Way. These new retail uses will also generate 84 new jobs.
- Reinforce the City's commitment to facilitating a reduction in air quality, greenhouse gas and traffic impacts by locating employment-generating land uses and residences in an area well served by public transportation, including, but no limited to, the Metro Purple Line station at Wilshire Boulevard and La Cienega Boulevard (expected 2023) and existing Metro local bus lines, a Los Angeles Department of Transportation DASH route, and an Antelope Valley bus line, thereby reducing vehicles miles traveled and associated air quality and greenhouse gas emissions impacts.

- Support the City's policies related to encouraging multimodal transit by providing 299 bicycle parking spaces throughout the project site, including in a fully-covered and secured "bike lounge" with direct access to the bicycle lane on San Vicente Boulevard. In addition, the project improves bicyclist safety by adding green painted bicycle lanes with conflict markings along San Vicente Boulevard and Burton Way, and adding a bicycle signal request light on the west side of the project site along San Vicente Boulevard. The project further supports other modes of transit by adding a new bus shelter for the Metro Local Route 105 bus line along La Cienega Boulevard, north of San Vicente Boulevard.
- Add new open space by replacing an underutilized building currently used as a parking structure with a new, ground level 6,910 square-foot plaza with landscaping and a water feature with sitting areas at the corner of La Cienega Boulevard and San Vicente Boulevard that enhances the visual character of the neighborhood and creates a pedestrian-friendly environment within and around the project site. This new open space at this location also establishes a primary entry to the Cedars Sinai-Beverly Center as recommended by the Wilshire Community Plan.
- Activate the public realm and improve the pedestrian experience by enhancing the existing streetscape with improvements, such as new trees and sidewalk parkways. In addition, the project further supports pedestrian safety by adding the following: enhanced crosswalks from the project site across La Cienega Boulevard, San Vicente Boulevard and on Burton Way; a widened crosswalk in front of 8500 Burton Way; a new controlled right-turn light along the southbound lane of La Cienega Boulevard, north of San Vicente Boulevard; a new landscaped median with a pedestrian refuge island along La Cienega Boulevard, north of San Vicente Boulevard; and a new pedestrian signalized crossing with enhanced crosswalks at La Cienega Boulevard and Blackburn Avenue.
- Create a 1,650 square-foot community room with a small meeting room and preparation kitchen for the use of residents and other community members.

Appellant's Statements: Cumulative Impact Analysis

- The Cumulative Impact Analysis is flawed.

Staff Response

The Appellant does not provide any specific details or evidence as to how the Cumulative Impact Analysis is flawed. Nevertheless, the LOD in the "Findings of Fact (CEQA)" section beginning on page 40 summarizes the cumulative impact analyses of the Draft EIR and concludes that there are no significant cumulative impacts. In addition, the Draft EIR explains the process for the analysis of cumulative impacts for the project, specifically beginning on page 3-2. Each impact category section in Chapter 4: Environmental Analysis of the Draft EIR contains the corresponding cumulative impact analysis (pages 4.1-20, 4.2-28, 4.3-39, 4.4-45). The Appellant does not substantiate how the cumulative analysis is flawed.

Appellant's Statements: City Charter Section 555

- The Deputy Advisory Agency's approval of the project violates City Charter Section 555.

Staff Response

The Appellant does not provide any specific details about how the Deputy Advisory Agency's approval of the project violates City Charter Section 555. Regardless, City Charter Section 555 is about "General Plan – Procedures for Adoption," which is not under the purview of the Deputy Advisory Agency. City Charter Section 555(e) states that: "If both the City Planning Commission and the Mayor recommend approval of a proposed amendment, the Council may adopt the amendment by a majority vote." Therefore, the Appellant is incorrect in her statement that the Deputy Advisory Agency violated City Charter Section 555.

Regarding approval, LAMC Section 17.03 grants the Advisory Agency authority to conditionally approve tentative maps. The Deputy Advisory Agency has conditionally approved the proposed subdivision pursuant to the provisions of the Subdivision Map Act and contingent upon approval of the associated project entitlement requests by the City Planning Commission. Specifically, the Deputy Advisory Agency included the following condition, Condition No. 24, in the LOD:

> Prior to the issuance of the building permit or the recordation of the final map, a copy of the CPC-2015-896-GPA-VZC-HD-MCUP-ZV-DB-SPR shall be submitted to the satisfaction of the Advisory Agency. In the event that CPC-2015-896-GPA-VZC-HD-MCUP-ZV-DB-SPR is not approved, the subdivider shall submit a tract modification.

Therefore, the Deputy Advisory Agency has full authority to approve Vesting Tentative Tract Map No. 74131 with conditions of approval and the Appellant has failed to provide evidence to the contrary.

Appellant's Statements: Subdivision Map Act Findings

- The Deputy Advisory Agency's Subdivision Map Act findings are not supported by substantial evidence.
- The Deputy Advisory Agency does not possess municipal code authority to deviate from the provisions of the zoning code and therefore the decision violates the Subdivision Map Act.

Staff Response

Regarding the Appellant's first point, there is no specific detail about how the Deputy Advisory Agency's Subdivision Map Act findings are not supported by substantial evidence. Notwithstanding, the LOD's Subdivision Map Act findings beginning on page 82 in the "Findings of Fact (Subdivision Map Act)" section make the prescribed findings according to Sections 66473.1, 66474.60, .61 and .63 of the State of California Government Code (the Subdivision Map Act).

The Appellant makes a blanket statement about deviations from the zoning code without evidence to support it. Nevertheless, the 2016 Subdivision Map Act Section 66474.7 states that an advisory agency may approve maps for a governing body. In addition, LAMC Section 17.03 grants the Advisory Agency authority to conditionally approve tentative maps. The Deputy Advisory Agency has conditionally approved the proposed subdivision pursuant to the provisions of the Subdivision Map Act and contingent upon approval of the associated project entitlement requests by the City Planning Commission. In conclusion, the Deputy Advisory Agency has full authority pursuant to LAMC Section 17.03 to approve Vesting Tentative Tract

Map No. 74131 with conditions of approval and the Appellant does not provide evidence to the contrary.

Appellant's Statements: Zoning

- The project constitutes unconstitutional spot zoning.

Staff Response

The Appellant does not provide any specific details or evidence to support his contentions on unconstitutional spot zoning. While the project's entitlement requests include a Zone Change and Height District Change to modify the land use designation and zoning on the project site, none of these requests are unconstitutional and are not discussed or otherwise granted under the tract map approval. The Deputy Advisory Agency has conditionally approved the proposed subdivision pursuant to the provisions of the Subdivision Map Act and contingent upon approval of the General Plan Amendment and Zone Change by the City Planning Commission. The General Plan Amendment to General Commercial is consistent with the General Commercial land use designation of other properties fronting La Cienega Boulevard to the east, southeast and south. Specifically, the properties to the east of the project site along La Cienega Boulevard between 3rd Street and 4th Street have a General Commercial land use designation. The properties to the southeast along San Vicente Boulevard and La Cienega Boulevard south of 4th Street also have a General Commercial land use designation. Finally, the property at 8500 Burton Way directly south of the project site has a General Commercial land use designation. The change from Neighborhood Office Commercial to General Commercial would eliminate the last portion of Neighborhood Office Commercial commercial from the La Cienega Boulevard corridor from 3rd Street to the Beverly Hills City limits at Colgate Avenue. The portion of the Wilshire Community Plan from Beverly Boulevard to the south is characterized by larger Regional Center and General Commercial uses such the Cedars-Sinai Medical Complex, the Beverly Center and the Beverly Connection shopping centers. This forms both a physical and economic identity to this area for larger commercial, residential and institutional uses in a transit rich area while being set back from nearby Medium and Low Medium density areas to the east by the major wide streets constituting La Cienega and San Vicente Boulevards. In addition, the proposed Zone Change allows the construction of 125 residential units in conjunction with commercial uses under the corresponding C2 zone. While the Zone Change will change the project site's height district from Height District No. 1VL to Height District No. 2D, with approval of the General Plan Amendment from Neighborhood Office to General Commercial and modification of Footnote No. 5.1, the project will be consistent with the land use designation.

Appellant's Statements: General Plan Framework Element

- The project is inconsistent with the General Plan Framework Element.

Staff Response

The Appellant does not provide any specific details about how the project is inconsistent with the General Plan Framework Element. Notwithstanding, the LOD on page 85 concludes that the project is consistent with the City's Framework Element, which states that anticipated growth should be directed toward high-density, mixed-use centers and to the neighborhoods around its 80 rail stations. Furthermore, the Draft EIR beginning on page 4.2-14 and the Final EIR beginning on page 3-10 conclude that the project is consistent with the following goals, objectives and policies of the General Plan Framework Element:

- Policy 3.12.1: Accommodate the development of uses in areas designated as “General Commercial” in the community plans in accordance with Tables 3-1 and 3-7. The range/densities of uses permitted in any area shall be identified in the community plans.
- Objective 3.16: Accommodate land uses, and locate and design buildings, and implement streetscape amenities that enhance pedestrian activity.
- 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 5.9-2: Encourage mixed-use development which provides for activity and natural surveillance after commercial business hours through the development of ground floor retail uses and sidewalk cafes. Mixed-use should also be enhanced by locating community facilities such as libraries, cultural facilities or police substations, on the ground floor of such building, where feasible.
- Policy 6.4.8: Maximize the use of existing public open space resources at the neighborhood scale and seek new opportunities for private development to enhance the open space resources of the neighborhoods.

Therefore, the project is consistent with the General Plan Framework and the Appellant does not provide evidence to the contrary.

Appellant’s Statements: Wilshire Community Plan Inconsistency

The Appellant references their Draft EIR comment letter dated July 5, 2016. The Appellant’s statements in his July 5, 2016 letter were fully responded to in the Final EIR Response to Comment Letter 6. In that letter, the Appellant contends that the project is inconsistent with the Wilshire Community Plan for the reasons which include, but are not limited to, the following reasons below. The Appellant does not provide any new information or substantial evidence. A more detailed response to each of the Appellant’s statements from the July 5, 2016 letter can be found in the Final EIR. However, below is a summary of the responses to the Appellant’s July 5, 2016 comment letter.

Appellant’s Statements: Wilshire Community Plan Update

- The project would severely compromise the Wilshire Community Plan prior to its update, which is long overdue, but expected to occur by 2027.

Staff Response

In accordance with CEQA, the Draft EIR relies on information that is currently available to establish baseline conditions and, as such, uses information from the 2000 Wilshire Community Plan. Therefore, the Appellant’s reference to a future update to the Wilshire Community Plan is speculative, and, therefore, not considered significant pursuant to CEQA.

Appellant’s Statements: Alternatives

- Alternatives 3, the Reduced Density Alternative, and 4, the proposed project, are “highly inconsistent” with goals and policies contained in the Wilshire Community Plan.

Staff Response

The Appellant quotes text from the Wilshire Community Plan, beginning on page II-2, contained in a section entitled "Purpose of the Wilshire Community Plan." This planning goal and objective does not exclude new development projects. In addition, this goal relates to scale, height, bulk, setbacks and appearance generally as broad characteristics to consider in the Wilshire Community Plan Area. Thus, this text is not applicable to individual development projects.

Appellant's Statements: Wilshire Community Plan Conformance

- The Plan requires a decision maker to make a finding of conformance with the applicable design standards for discretionary projects.
- The Department of City Planning has not prepared any monitoring reports for the Wilshire Community Plan.

Staff Response

The text of the Wilshire Community Plan that the Appellant quotes is contained in the sections entitled "Plan Consistency" of the Wilshire Community Plan. The text lifted out of context from this "Plan Consistency" section refers to Chapter V: Urban Design of the Wilshire Community Plan. The Appellant fails to provide any details about which standards the project does not meet under Chapter V. Regarding the "Plan Monitoring" text that the Appellant refers to, this section establishes that the Department of City Planning is responsible for developing a monitoring system to report annually on growth and infrastructure within the Community Plan area. CEQA and the *L.A. CEQA Thresholds Guide* only require an analysis of consistency with applicable land use plans, policies, or regulations adopted for the purpose of mitigating an environmental effect.

Appellant's Statements: High Rises

- Premise #1 of the Wilshire Community Plan Land Use Plan Policies and Programs related to residential uses concludes that the proposed project would conflict with the community plan because it is the only high rise within the Wilshire Community Plan area.
- Policies 1-1.1 and 1-1.2 from the Wilshire Community Plan conclude that Wilshire Boulevard is the only appropriate location for high-rise residential buildings.

Staff Response

The Appellant incorrectly applies Premise #1 to the project since it is not a goal, policy, or program. In addition, premise #1 refers to residential densities in neighborhoods. The project site is currently zoned for commercial uses. Therefore, the Appellant's assertion that the project site predominantly consists of "low-rise single family homes" is grossly inaccurate.

The policies listed by the Appellant are part of the Wilshire Community Plan's 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." This objective clearly refers to two different aspects of housing: preserving existing housing, and allowing for the development of new housing. Therefore, the policies mentioned by the Appellant do not exclude development of new housing. In addition, Policy 1-1.1 is not applicable because the project site is not a single family home neighborhood. In addition, the Appellant has incorrectly identified Wilshire Boulevard as the only location for high-rise residential buildings. The Generalized Land Use Map for the Wilshire Community Plan clearly shows, as shown on Figure 4.4-2 in Section 4.2, *Land Use and Planning,* on page 4.4-4 of the Draft EIR, that Wilshire Boulevard is zoned for commercial uses.

Appellant's Statements: Project Traffic

- The proposed project would create heavy traffic which is inconsistent with the policies and goals of the Wilshire Community Plan.

Staff Response

The Appellant quotes premise #3 of the Wilshire Community Plan out of context. Specifically, premise #3 applies to residential land uses generally, and is not a mandate on individual projects. Regarding infrastructure mentioned in this premise, the Initial Study did analyze infrastructure – sewerage, schools, police and fire services and transportation – in Section 14, *Public Services*, and Section 17, *Utilities and Service Systems*, and found that there would be less-than-significant impacts. The EIR's Chapter 5, *Other CEQA Considerations,* Section 5.4, *Growth Inducing Impacts* discloses that the project could potentially increase the City's infrastructure to service the site. However, the proposed project is located on an already developed site and would utilize existing infrastructure connections, and will not result in the need for additional infrastructure in the project vicinity. Therefore, the Appellant's assertions related to premise #3 are not supported by substantial evidence.

Furthermore, the Appellant is incorrect in stating that the traffic conditions along Burton Way and San Vicente Boulevard were not measured in the Draft EIR intersection analysis. Traffic conditions along Burton Way were analyzed in the intersection analysis at Robertson Boulevard and Burton Way (Intersection #6 on Table 4.4-7 in Section 4.4., *Transportation and Circulation,* on page 4.4-37 of the Draft EIR), as were traffic conditions at San Vicente Boulevard and Burton Way (Intersection #12 in Draft EIR), and along San Vicente Boulevard in the intersection analysis at 3rd Street (Intersection #11 in Draft EIR), and at La Cienega Boulevard (Intersection #18 in Draft EIR). Traffic conditions at the intersection of La Cienega Boulevard and 3rd Street (Intersection #16 in Draft EIR) were also analyzed. The Draft EIR, on page 4.4-38, discloses that these intersections would have less-than-significant impacts.

Appellant's Statements: Compatibility

- Policy 1-3.1 concludes that the proposed project is incompatible with the existing architecture, character, and scale of the existing neighborhoods.

Staff Response

The Appellant fails to mention that this policy is part of Objective 1-3: "Preserve and enhance the varied and distinct residential character and integrity of existing residential neighborhoods." This objective clearly refers to development in existing residential neighborhoods. As mentioned above, the project site currently has commercial uses, and is located directly south of a commercial strip mall and adjacent to multifamily residences. It is not inside a residential neighborhood. Further, the program associated with this policy refers to developing a Community Design Overlay (CDO) and companion Streetscape Plan for 3rd Street between Fairfax and La Cienega.

Appellant's Statements: Affordable Housing

- The proposed project would be incompatible with Objective 1-4 regarding affordable housing and increased accessibility to more population segments.

Staff Response

The Wilshire Community Plan does not dictate the provision of affordable housing – only that affordable housing should be considered. Notwithstanding, while the project did not originally include an affordable housing component, the project will now set aside 10 percent of its residential units for affordable housing.

Appellant's Statements: Policy 1

- The proposed project would be incompatible with Policy 1 regarding development of housing for senior citizens, the physically challenged, and low-income persons in close proximity to health and community service facilities, retail services, and public transportation.

Staff Response

The Appellant omits that this text is not a policy. Rather, this is an action in Chapter IV: Coordination Opportunities for Public Agencies. Therefore, this action does not apply to individual development projects. In addition, the Wilshire Community Plan recognizes the need for, but does not dictate, the provision of housing for senior citizens, the physically challenged, and low-income persons in the Wilshire Community Plan area.

Appellant's Statements: Design Goals

- The proposed project would be incompatible with the "Design Goals and Purposes" section, which states that multiple-family residential areas should promote architectural design that enhances the quality of life, living conditions, and neighborhood pride of the residents.

Staff Response

The project includes a 6,910 square foot publicly accessible ground level plaza, new landscaped parkways and street trees, a neighborhood-serving grocery market, and significant streetscape, bike, and pedestrian safety improvements to promote walkability, in addition to constructing a contemporary building designed to enhance the streetscape and enhance a site. All of these features are intended to promote the quality of life for all residents in the neighborhood and to meet the intent of the Wilshire Community Plan's design goals.

Appellant's Statements: Pedestrian-Oriented Design

- The proposed project is not a pedestrian-oriented development.

Staff Response

As described in Chapter 2, *Project Description*, and throughout the Draft EIR, the proposed project includes a ground-floor 6,910 sf plaza located at the southernmost tip of the site at the confluence of Burton Way, San Vicente Boulevard, and La Cienega Boulevard that includes a water fountain, landscaped areas, trees, and pedestrian walkways. This plaza enhances the visual character of the neighborhood and creates a pedestrian environment. In addition, there will be a 3,370 sf restaurant that fronts the plaza and a grocery market will wrap around a portion of the building along La Cienega Boulevard, thereby enlivening the streetscape along La Cienega Boulevard. In addition, the proposed project will encourage pedestrian activity by enhancing the streetscape with walkability and safety improvements, landscaping, and high-quality architecture, including features such as transparent ground floor treatment articulated with prominent entries. The project is similar to the pedestrian-oriented 8500 Burton Way development, which features ground floor retail and multifamily residences above. In addition, the project is accessible via various transit lines, which collectively achieved 30,019,890 transit rides in 2015. Finally, members of the local community living near the project site testified at the September 21, 2016 Hearing Officer/Deputy Advisory Agency hearing that they could walk to the project's grocery market and restaurant.

Appellant's Statements: Spillover Traffic

- The proposed project is inconsistent Goal 14 and Policy 14-1.1 regarding traffic flow and parking because it would create spillover parking impacts because of the lack of available vehicle spaces and cut-through traffic in adjacent residential neighborhoods.

Staff Response

As described in Section 4.4, *Transportation and Circulation*, on page 4.4-22 of the Draft EIR, access to the project site is provided by major roadways, including La Cienega Boulevard, San Vicente Boulevard, and 3rd Street. Given these major roadways, it is unlikely that traffic from the project would be distributed through the surrounding residential neighborhood since these neighborhoods do not provide direct access to the project site. Thus, it was determined in Section 4.4, *Transportation and Circulation*, on page 4.4-35 of the Draft EIR that there would be no impacts and further analysis is not required. Policy 14-1.1 regarding cut-through traffic is part of Objective 14-1: "Initiate and continue existing Residential Neighborhood Protection Plans to mitigate traffic and parking impacts throughout the Wilshire Community Plan Area." This objective identifies the geographic scope as being the Wilshire Community Plan area generally and the action as the initiation of Residential Neighborhood Protection Plans. Therefore, the objective and its corresponding policies do not apply to individual development projects.

Appellant's Statements: Parking

- The proposed project is inconsistent with Goal 15 and Policy 15-1.1 regarding parking and minimizing the number of ingress and egress points on major highways, respectively.

Staff Response

Goal 15 does not apply to the project because it clearly calls for "parking lots and facilities *throughout the plan area*." Therefore, Goal 15 does not mandate that individual developments include parking lots or facilities. Policy 15-1.1 also applies generally to the entire Wilshire Community Plan Area. The program that is associated with this policy – "The City Planning Department with LADOT should develop a phased, coordinated parking management strategy to implement this policy" – clearly states that the Department of City Planning and LADOT are responsible for implementing this policy, not individual development projects.

Appellant's Statements: Intersections

- The proposed project would be in violation of Goal 16 and Policy 16-1.1 from the Wilshire Community Plan regarding satisfactory traffic levels.

Staff Response

Goal 16 – "Provide a community-wide circulation system of freeways, highways, and streets which supports existing and planned land uses and anticipated traffic flow volumes, while maintaining acceptable levels of service at all intersections" – clearly refers to developing a community-wide circulation system and, as such, does not mandate that individual projects achieve this goal. Policy 16-1.1 therefore also applies generally to the entire Wilshire Community Plan area and to the area's Class II Major Highways, Secondary Highways and Collector Streets, not to individual projects. Notwithstanding, the project does not result in a substantial change in the volume-to-capacity ratio and no significant traffic impact will occur during construction or operation of the project.

DEPARTMENT OF
CITY PLANNING

CITY PLANNING COMMISSION

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November 1, 2016

City Planning Commission
Los Angeles City Hall
200 N. Spring Street, Rm 520
Los Angeles, CA 90012

Case No.: VTT-74131-1A
Project Address: 333 S. La Cienega Boulevard

Planning staff respectfully requests your consideration of the following corrections to the Letter of Decision for Case No. VTT-74131, dated October 14, 2016.

Please note that ~~strikeouts~~ represents language proposed for removal and that which is underlined is proposed to be added.

Delete the following text from Condition No. 27 and add a new condition, Condition No. 28, as follows. Conditions 28 and 29 should be renumbered to Conditions 29 and 30.

Page 13

~~The project's MMP will be in place throughout all phases of the project. The project applicant will be responsible for implementing all mitigation measures unless otherwise noted. The applicant shall also be obligated to provide a certification report to the appropriate monitoring agency and the appropriate enforcement agency that compliance with the required mitigation measure or project design feature has been implemented. The City's existing planning, engineering, review, and inspection processes will be used as the basic foundation for the MMP procedures and will also serve to provide the documentation for the reporting program.~~

~~The certification report shall be submitted to the Major Project's Section at the Los Angeles Department of City Planning. Each report will be submitted to the Major Project's Section annually following completion/implementation of the applicable mitigation measures and project design features and shall include sufficient information and documentation (such as building or demolition permits) to reasonably determine whether the intent of the measure has been satisfied. The City, in conjunction with the applicant, shall assure that project construction and operation occurs in accordance with the MMP.~~

~~After review and approval of the final MMP by the City, minor changes and modifications to the MMP are permitted, but can only be made by the applicant subject to the approval by the City. The City, in conjunction with any appropriate agencies or departments, will determine the adequacy of any proposed changes or modification. The flexibility is necessary due to the nature of the MMP, the need to protect the environment in the most efficient manner, and the need to reflect changes in regulatory conditions, such as but not limited to changes to building code requirements, updates to LEED "Silver" standards, and changes in Secretary of Interior Standards. No changes will be permitted unless the MMP continues to satisfy the requirements~~

~~of CEQA, as determined by the City.~~

28. **Mitigation Monitoring Enforcement and Modification.** Prior to 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 project design features and mitigation measures during construction activities consistent with the monitoring phase and frequency set forth in this MMP. The Construction Monitor shall also prepare documentation of the applicant's compliance with the project design features and mitigation measures 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 Annual Compliance Report. The Construction Monitor shall be obligated to immediately report to the Enforcement Agency any non-compliance with the mitigation measures and project design features 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.

After review and approval of the final MMP by the City, minor changes and modifications to the MMP are permitted, but can only be made by the applicant subject to the approval by the City. The City, in conjunction with any appropriate agencies or departments, will determine the adequacy of any proposed changes or modification. The flexibility is necessary due to the nature of the MMP, the need to protect the environment in the most efficient manner, and the need to reflect changes in regulatory conditions, such as but not limited to changes to building code requirements, updates to LEED "Silver" standards, and changes in Secretary of Interior Standards. No changes will be permitted unless the MMP continues to satisfy the requirements of CEQA, as determined by the City.

Changes to renumbered Condition No. 29 are as follows:

Page 14

Aesthetics

PDF AES-4: Glass used in building facades would be anti-reflective or treated with anti-reflective coating in order to minimize glare (i.e., minimize the use of glass with mirror coatings). Consistent with applicable energy and building code requirements, including Section 140.3 of the California Energy Code as may be amended, glass with coatings required to meet the Energy Code requirements shall be permitted.

Monitoring Phase:	Construction~~, Operation~~
Enforcement Agency:	Department of City Planning, Department of Building and Safety
Monitoring Agency:	Department of City Planning, Department of Building and Safety
Monitoring Frequency:	~~Once, Prior to issuance of building permit~~ Once at Project plan check; once during field inspection

Action Indicating Compliance:	~~Issuance of building permits~~ Plan approval and issuance of applicable building permit; issuance of Certificate of Occupancy

Page 15

Air Quality

PDF AQ-1: During the demolition phase, all on-site equipment greater than 50 horsepower (hp) shall meet, at a minimum, USEPA Tier IV interim engine certification requirements. As an alternative, the Applicant may opt to apply other available technologies to the construction equipment that would achieve a comparable reduction in PM emissions to that of Tier IV construction equipment. Where alternatives to USEPA Tier IV are chosen for the proposed project, the Applicant shall be required to show evidence to the City of Los Angeles and the South Coast Air Quality Management District that these alternative technologies would achieve comparable PM emissions reductions that are no less than what could be achieved by Tier IV construction equipment. A copy of each unit's certified tier specification, Best Available Control Technology documentation, and California Air Resources Board or Air Quality Management District operating permit shall be available on-site at the time of mobilization of each applicable unit of equipment to allow the Construction Monitor to compare the on-site equipment with the inventory and certified Tier specification and operating permit.

Monitoring Phase:	Construction
Enforcement Agency:	~~Department of Building and Safety~~ South Coast Air Quality Management District
Monitoring Agency:	Department of City Planning, Department of Building and Safety
Monitoring Frequency:	Periodic field inspections during demolition phase
Action Indicating Compliance:	Field inspection sign-off

Page 15-16

Cultural Resources

PDF CUL-1: In the event of the unanticipated discovery of archaeological materials, the contractor shall immediately cease all work activities in the area (within approximately 50 feet) of the discovery and notify the City of Los Angeles Department of City Planning, Office of Historic Resources of the discovery. The discovery shall be evaluated by a qualified archaeologist, defined as an archaeologist meeting the Secretary of Interior's Professional Qualification Standards for Archeology, who is obtained by contacting the California Historical Resources Information System – South Central Coastal Information Center at California State University, Fullerton, or the Register of Professional Archaeologists. Construction shall not resume until the qualified archaeologist has conferred with the City of Los Angeles on the significance of the resource.

If it is determined that the discovered archaeological resource constitutes a historical resource or unique archaeological resource under CEQA, avoidance and preservation in place is the preferred manner of mitigation. In the event that preservation in place is demonstrated to be infeasible and data recovery through excavation is the only feasible mitigation available, an Archaeological Resources Treatment Plan (Plan) shall be prepared and implemented by a qualified archaeologist in consultation with the City of Los Angeles. The City of Los Angeles shall consult with appropriate Native American representatives in determining treatment for prehistoric or Native American resources to ensure cultural values ascribed to the resource, beyond that which is scientifically important, are considered. The Plan shall include provisions for the recovery and analysis of important data, reporting, and curation at an appropriate accredited facility. If a resource is determined to be a unique archaeological resource as defined in Section 21083.1(g), the provisions of Section 21083.2(b) shall apply.

Monitoring Phase:	Construction
Enforcement Agency:	Department of City Planning, Office of Historic Resources; ~~Department of Building and Safety~~
Monitoring Agency:	Department of City Planning, Office of Historic Resources; Department of Building and Safety
Monitoring Frequency:	At time of resource discovery, should it occur
Action Indicating Compliance:	If unanticipated discoveries are found, submittal of compliance certification report by a qualified archaeologist

Page 19

Geology and Soils

PDF GEO-1: Once the Applicant has prepared a site-specific, design-level geotechnical study for the proposed project to supplement the preliminary, predevelopment geotechnical investigation, the study will be reviewed by the City. The study shall be prepared by a registered geotechnical engineer and shall include recommendations applicable to foundation design, earthwork, shoring and site preparation that will minimize the effects of anticipated ground shaking and any other identified geologic hazards. The analysis shall include measures to reduce the potential to expose people or structures to the risk of loss, injury or death to acceptable levels as established in the California Building Code (CBC) and City ordinances. The analyses shall be prepared in accordance with applicable City ordinances and policies and consistent with the applicable ~~most recent version of~~ the ~~California Building Code (~~CBC~~)~~ section in effect at the time of preparation of the site specific report, Seismic Hazards Mapping Act, and Zone 4 requirements, which requires structural design that can mitigate potential risks from expansive soils, liquefaction hazards, and ground accelerations expected from known active faults to acceptable levels. The following measures designed to reduce the potential for liquefaction hazards would include, but not be limited to:

Page 26-27

Hydrology and Water Quality

MM HYD-3: In the event that temporary and/or permanent groundwater dewatering activities are required, the project Applicant shall file a Report of Waste Discharge with the Los Angeles Regional Water Quality Control Board, which is used to start the application process for all discharge requirements and will determine what permit the project will require to cover its dewatering discharges (either to surface water or groundwater). Coverage under the permit specified in the Regional Water Quality Board's response to the Report of Waste Discharge shall be obtained prior to Project construction, and the Applicant shall adhere to all requirements of the approved permit to ensure either surface water quality, groundwater quality or both are not impacted by dewatering activities.

Monitoring Phase:	Pre-construction
Enforcement Agency:	~~Department of Building and Safety;~~ Los Angeles Regional Water Quality Control Board
Monitoring Agency:	~~Department of Building and Safety~~ Los Angeles Regional Water Quality Control Board
Monitoring Frequency:	Once prior to construction in the event that temporary and/or permanent groundwater dewatering activities are required, Prior to issuance of building permit
Action Indicating Compliance:	Permit specified in the Regional Water Quality Board's response to the Report of Waste Discharge, Issuance of building permits

Page 27

PDF HYD-4: All new sidewalks along the project's street frontages shall be paved with pervious (permeable) concrete or interlocking pavers to increase the opportunity for stormwater infiltration on the project site.

Monitoring Phase:	Construction
Enforcement Agency:	~~Department of Building and Safety~~ Department of Public Works
Monitoring Agency:	~~Department of Building and Safety~~ Department of Public Works

Monitoring Frequency:	~~Once, after construction is complete~~ Once at Project plan check; once during field inspection
Action Indicating Compliance:	Field inspection sign-off, Plan approval and issuance of applicable building permit

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Noise

MM NOI-2: All mobile off-road construction equipment operating at the project site shall be equipped with properly operating mufflers consistent with manufacturers' standards. All equipment shall be properly maintained. Construction contractor shall keep documentation on-site demonstrating that the equipment has been maintained in accordance with the manufacturer's specifications.

Monitoring Phase:	Construction
Enforcement Agency:	Department of City Planning; Department of Building and Safety
Monitoring Agency:	Department of Building and Safety
Monitoring Frequency:	Periodic field inspections
Action Indicating Compliance:	Field inspection sign-off

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MM NOI-3: The construction contractor(s) shall locate stationary construction noise sources as far as possible from noise-sensitive uses (in accordance with the L.A. CEQA Thresholds Guide, noise-sensitive uses include residences, transient lodgings, schools, libraries, churches, hospitals, nursing homes, auditoriums, concert halls, amphitheaters, playgrounds and parks), to the extent feasible, and ensure that they are muffled and enclosed within temporary sheds, or incorporate insulation barriers, or other measures to the extent feasible. All construction equipment engines shall be properly tuned and muffled according to manufacturers' specifications. The project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices and shall include the use of plug-in electrical or solar-powered generators. Construction contractor shall keep documentation on-site demonstrating that the equipment has been maintained in accordance with the manufacturer's specifications.

Monitoring Phase:	Construction
Enforcement Agency:	Department of City Planning; Department of Building and Safety
Monitoring Agency:	Department of Building and Safety
Monitoring Frequency:	Periodic field inspections
Action Indicating Compliance:	Field inspection sign-off

Page 29

MM NOI-6: All loading and unloading activities at the project site shall be located on-site and away from noise-sensitive uses (in accordance with the L.A. CEQA Thresholds Guide, noise-sensitive uses include residences, transient lodgings, schools, libraries, churches, hospitals, nursing homes, auditoriums, concert halls, amphitheaters, playgrounds and parks) to the extent necessary to comply with Los Angeles Municipal Code noise requirements, including those set forth in Chapter XI, Article 2 of the Los Angeles Municipal Code. At Plan check, building plans shall include documentation prepared by a noise consultant verifying of compliance with this measure.

Monitoring Phase:	Construction
Enforcement Agency:	Department of City Planning; Department of Building and Safety
Monitoring Agency:	Department of City Planning; Department of Building and Safety
Monitoring Frequency:	Periodic field inspections
Action Indicating Compliance:	Field inspection sign-off

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MM NOI-9: All construction equipment engines shall be properly tuned and muffled according to manufacturers' specifications. All equipment shall be properly maintained. Construction contractor shall keep documentation on-site demonstrating that the equipment has been maintained in accordance with the manufacturer's specifications. The project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices and shall include the use of solar-powered generators.

Monitoring Phase:	Construction
Enforcement Agency:	Department of City Planning; Department of Building and Safety
Monitoring Agency:	Department of Building and Safety
Monitoring Frequency:	Periodic field inspections
Action Indicating Compliance:	Field inspection sign-off

For the record, a revised comment letter dated October 27, 2016 was received from the Department of Building and Safety Zoning for revised Vesting Tentative Tract Map No. 74131 dated September 13, 2016. While the recommended approval in the letter remain unchanged from the September 12, 2016 comment letter, the following deletion to the Conditions of Approval relative to Department of Building and Safety Zoning is made:

Page 3

~~Condition 8(b).~~ ~~The submitted Map does not comply with the maximum density (400 SF of lot area/dwelling unit) requirement of C2 Zone. Revise the Map to show compliance with the above requirement or obtain approval from the Department of City Planning.~~

Respectfully,

Alejandro A. Huerta
Planning Assistant
Department of City Planning

EXHIBIT A
(Appeal 1)

ORIGINAL

APPLICATIONS:

APPEAL APPLICATION

This application is to be used for any appeals authorized by the Los Angeles Municipal Code (LAMC) for discretionary actions administered by the Department of City Planning.

1. APPELLANT BODY/CASE INFORMATION

Appellant Body:

☐ Area Planning Commission ☑ City Planning Commission ☐ City Council ☐ Director of Planning

Regarding Case Number: VTT-74131, ENV-2015-897-EIR

Project Address: 333 S. La Cienega Boulevard, Los Angeles, CA 90048

Final Date to Appeal: 10/24/2016

Type of Appeal:
☐ Appeal by Applicant/Owner
☑ Appeal by a person, other than the Applicant/Owner, claiming to be aggrieved
☐ Appeal from a determination made by the Department of Building and Safety

2. APPELLANT INFORMATION

Appellant's name (print): Joseph Bourgeois

Company: SoCal Environmental Justice Alliance

Mailing Address: 23640 Tower Street, #1

City: Moreno Valley State: CA Zip: 92553

Telephone: (951) 571-7780 E-mail: jbourg2271@aol.com

- Is the appeal being filed on your behalf or on behalf of another party, organization or company?

  ☑ Self ☐ Other: _____

- Is the appeal being filed to support the original applicant's position? ☐ Yes ☑ No

3. REPRESENTATIVE/AGENT INFORMATION

Representative/Agent name (if applicable): Gary Ho, Esq.

Company: Blum Collins, LLP

Mailing Address: 707 Wilshire Boulevard, Suite 4880

City: Los Angeles State: CA Zip: 90017

Telephone: (213) 572-0410 E-mail: ho@blumcollins.com

4. JUSTIFICATION/REASON FOR APPEAL

Is the entire decision, or only parts of it being appealed? ☑ Entire ☐ Part

Are specific conditions of approval being appealed? ☐ Yes ☑ No

If Yes, list the condition number(s) here: _____

Attach a separate sheet providing your reasons for the appeal. Your reason must state:

- The reason for the appeal
- How you are aggrieved by the decision
- Specifically the points at issue
- Why you believe the decision-maker erred or abused their discretion

5. APPLICANT'S AFFIDAVIT

I certify that the statements contained in this application are complete and true:

Appellant Signature: _____ Date: 10/18/16

6. FILING REQUIREMENTS/ADDITIONAL INFORMATION

- Eight (8) sets of the following documents are required for <u>each</u> appeal filed (1 original and 7 duplicates):
  - Appeal Application (form CP-7769)
  - Justification/Reason for Appeal
  - Copies of Original Determination Letter
- A Filing Fee must be paid at the time of filing the appeal per LAMC Section 19.01 B.
  - Original applicants must provide a copy of the original application receipt(s) (required to calculate their 85% appeal filing fee).
- All appeals require noticing per the applicable LAMC section(s). Original Applicants must provide noticing per the LAMC, pay mailing fees to City Planning's mailing contractor (BTC) and submit a copy of the receipt.
- Appellants filing an appeal from a determination made by the Department of Building and Safety per LAMC 12.26 K are considered Original Applicants and must provide noticing per LAMC 12.26 K.7, pay mailing fees to City Planning's mailing contractor (BTC) and submit a copy of receipt.
- A Certified Neighborhood Council (CNC) or a person identified as a member of a CNC or as representing the CNC may <u>not</u> file an appeal on behalf of the Neighborhood Council; persons affiliated with a CNC may only file as an <u>individual on behalf of self</u>.
- Appeals of Density Bonus cases can only be filed by adjacent owners or tenants (must have documentation).
- Appeals to the City Council from a determination on a Tentative Tract (TT or VTT) by the Area or City Planning Commission must be filed within 10 days of the <u>date of the written determination</u> of said Commission.
- A CEQA document can only be appealed if a non-elected decision-making body (ZA, APC, CPC, etc.) makes a determination for a project that is not further appealable. [CA Public Resources Code ' 21151 (c)].

This Section for City Planning Staff Use Only		
Base Fee: 89.00	Reviewed & Accepted by (DSC Planner): JOHN DACEY	Date: 10/19/16
Receipt No: 32686	Deemed Complete by (Project Planner):	Date:
☐ Determination authority notified	☐ Original receipt and BTC receipt (if original applicant)	

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October 18, 2016

City Planning Commission
Figueroa Plaza
201 N. Figueroa St., 4th Floor
Los Angeles, CA 90012

Appeal to: The Los Angeles City Council

Appeal from: The decision of the Los Angeles City Planning Commission, October 14, 2016

Regarding Case No.: VTT-74131, ENV-2015-897-EIR

Project Address: 333 S. La Cienega Boulevard, Los Angeles, CA 90048

Final Date to Appeal: October 24, 2016

Appellant: SoCal Environmental Justice Alliance, filing for itself

Represented by: Steven A. Blum and Gary Ho of Blum Collins, LLP

PURPOSE OF APPEAL

This appeal seeks to reverse the entire decision of the Los Angeles City Planning Commission (the "Commission") to certify the Environmental Impact Report (EIR), ENV-2015-897-EIR (SCH No. 2016011061), for the Project (333 S. La Cienega Boulevard) and to approve Vesting Tentative Tract Map No. 74131. This appeal pertains to the entire decision of the Commission issued on October 14, 2016.

REASONS FOR APPEAL AND DENIAL OF PROJECT

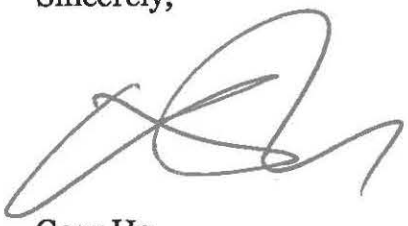
The appellant has presented multiple arguments on how the Commission's environmental review process has failed to ensure environmental, social, and economic justice for the City of Los Angeles's residents, and why the City and Commission should therefore redraft and recirculate the EIR. These arguments,

which include discussions of the flaws in the EIR's analysis of the Project's impact on air quality, paleontological resources, geology and soils, hydrology and water quality, public services, transportation and traffic, land use and planning, noise levels, and project alternatives, were made in the letter dated July 5, 2015 and addressed to Alejandro A. Huerta, Major Projects & Environmental Analysis, Department of City Planning City Hall, City of Los Angeles, 200 N. Spring Street, Room 750, Los Angeles, CA 90012. A copy of this letter is attached hereto.

GRIEVANCES

The EIR and tentative tract map as approved by the Commission would result in significant adverse ecological, land use, and traffic impacts without the adoption of adequate mitigation measures. The environmental analysis does not adequately consider less damaging alternatives that also provide a higher level of public benefit.

Sincerely,



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July 5, 2016

Alejandro A. Huerta
Major Projects & Environmental Analysis
Department of City Planning City Hall
City of Los Angeles
200 N. Spring Street, Room 750
Los Angeles, CA 90012

VIA EMAIL TO:
alejandro.huerta@lacity.org

Re: *333 La Cienega Boulevard Project (SCH No. 2016011061)*

Dear Mr. Huerta:

This letter is to serve you with comments on behalf of the SoCal Environmental Justice Alliance ("SEJA") regarding the 333 La Cienega Boulevard Project (the "Project"; SCH No. 2016011061) and its Environmental Impact Report (the "EIR").

SEJA believes the EIR is flawed. The City of Los Angeles' environmental review process has failed to ensure environmental, social, and economic justice for the City's residents. Therefore, we believe you should redraft and recirculate the EIR.

We look forward to your responses. Please forward a notice of availability of the Final EIR to blum@blumcollins.com and collins@blumcollins.com.

I. PROJECT DESCRIPTION

333 S. La Cienega is a 1.15 acre site bounded by La Cienega on the East, San Vicente on the West, Third Street to the North, and Burton Way to the Southwest.

The Project proposes to develop a 1.15-acre site with a mixed-use, up to 20-story building with a total floor area of 294,294 square feet (sf) consisting of 145 residential units and 31,055 sf of commercial uses: a 27,685 sf grocery market and 3,370 sf of restaurant space. The proposed structure would be approximately 240 feet in height and provide a 6:1 floor area ratio (FAR). The Project would include a ground level with 3,923 sf of residential lobby space and 22,436 sf commercial (retail and restaurant) space; a mezzanine level with 8,619 sf of

commercial (retail and restaurant) uses and 3,516 sf of residential lobby space; 145 residential units (Levels 5 through 19); and one level with amenities such as a pool, gym, spa, and lounge (Level 20). There would be approximately 26,862 sf of usable common and private open space. The Project would provide 362 parking spaces, including 119 parking spaces for commercial uses in a two level subterranean parking garage, 218 parking spaces for residential uses, in an aboveground enclosed garage on Levels 2 through 4, and 25 spaces reserved for use by the mixed-use development at 8500 Burton Way as required by Condition No. 11 in Ordinance 180766.

The Project would require a Vesting Zone and Height District Change from C2-1VL-O (Commercial, Height District 1VL, Oil Drilling District) to C2-2-O, pursuant to LAMC Section 12.32, to change the Height District from 1VL to Height District 2 to allow for the construction of a 240-foot building, and a General Plan Amendment (GPA), pursuant to LAMC Section 11.5.6.A, to change the land use designation from Neighborhood Office Commercial to Regional Center Commercial which would allow for the proposed height, density, and floor area ratio of the new structure. The Project would also require a Site Plan Review, pursuant to LAMC Section 16.05.C.1.b, for construction of a mixed-use development with a maximum of 145 residential units; a Variance, pursuant to LAMC Section 12.27, to allow alternative locations for long-term bicycle parking within the building; a Vesting Tract Map, pursuant to LAMC Section 17.15, for the merger and resubdivision of the project site to create five lots; and a Master Conditional Use Permit to allow onsite and offsite sale of alcoholic beverages in conjunction with a proposed grocery store and full service restaurant.

II. AIR QUALITY

There are major flaws in the EIR's air quality impact analysis, which the EIR buries in an appendix to an appendix already prepared for the initial study (the Air Quality and Green House Gas Emissions Technical Report, Appendix A to Appendix A-1 of the EIR). This is improper.

The air quality impact analysis makes a number of unreasonable assumptions:

- The EIR states that grading would occur for 8 days, which is simply not credible given that the EIR states hauling would take 80 days (2,000 truckloads, with a maximum of 25 trucks hauling each day).
- The EIR assumes 0.1 acres of paving instead of 1.15 acres in the GHG analysis; there is no indication that the EIR modeled the GHG emissions from the construction of a concrete building; according to the California Greenhouse Gas Emission Inventory, the manufacture of concrete leads to almost 7% of GHG emissions from industries in California (see Attachment C).

- The EIR makes assumptions about the use of air compressors during the demolition phase, but fails to adopt the use of air compressors as a mitigation measure.
- The EIR fails to disclose how or whether it modeled for impacts relating to (1) the excavation of at least 19 feet of soil; and (2) the demolition of the building and existing parking structure.
- The EIR understates fugitive dust emissions, because it improperly assumes that the Project will "replace ground cover" when that is not possible on a site with no plants.
- Under operational assumptions, the EIR relies on speculations of trip generation that are not supported by substantial evidence. The EIR assumes that there will be a total of 81.31 trips per thousand square feet of restaurant space on a Saturday. This is too low. According to the Institute of Traffic Engineers' Trip Generation Manual (9th Edition), the daily trip generation rate for a "Quality Restaurant" is 89.95. For "High Turnover Sitdown Restaurants" (which is how the EIR characterizes the Project's proposed restaurant), the daily trip generation rate is 127.15 according to the Trip Generation Manual (8th Edition). The EIR states that the trip generation rate for its proposed supermarket is 49.56 when the Trip Generation Manual (8th Edition) says that it should be 102.24. The EIR also states that the trip generation rate for the proposed apartments is 5.65 per unit when the Trip Generation Manual (8th Edition) says it is 6.65 per unit.
- The EIR inexplicably assumes that 130.5 of 145 units will have fireplaces. The numbers appear to be manipulated to generate an operational value that is below the South Coast Air Quality Management District's advisory threshold of 3,000 MTCO2e.
- The EIR assumes 40% reduction in pass by trips relating to supermarket use, 15% reduction of trips for transit and walking for apartment uses, and 10% reduction in pass by trips for the restaurant use. These assumptions are not supported by substantial evidence.
- The EIR modeled the Project's emissions based on the assumption that the Project would only use US EPA Tier 4 equipment during the demolition phase. The EIR calls this a "Project Design Feature," but avoids making this an enforceable mitigation measure. Mitigation measures must be "fully enforceable" and should not be deferred to or lie within the discretion of the project applicant. CEQA Guidelines, § 15126.4(a)(2); see *Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, 306.

The EIR also failed to properly assess cumulative impacts, claiming that they are not significant. The EIR's approach is contrary to the very definition of what a cumulative impact is. Public Resources Code § 20183(b)(2) defines cumulative impacts to mean "that the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the

effects of other current projects, and the effects of probable future projects." In other words, inherent in a cumulative impacts analysis is whether an impact is significant when combined with the effects of other past, present, and future projects. This is borne out by the Guidelines. Guidelines § 15130(a)(1) provides "As defined in Section 15355, a cumulative impact consists of an impact which is created as a result of the combination of the project evaluated in the EIR together with other projects causing related impacts." Guidelines § 15064(h)(1) provides:

> When assessing whether a cumulative effect requires an EIR, the lead agency shall consider whether the cumulative impact is significant and whether the effects of the project are cumulatively considerable. An EIR must be prepared if the cumulative impact may be significant and the project's incremental effect, though individually limited, is cumulatively considerable. "Cumulatively considerable" means that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects. Guidelines § 15064(h)(1) (emphasis supplied).

Guidelines § 15065(a)(3) requires a mandatory finding of significance when "[t]he project has possible environmental effects that are individually limited but cumulatively considerable," and provides the same definition of "cumulatively considerable."

Finally, Guidelines § 15355 defines cumulative impacts and states:

> "Cumulative impacts" refer to two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts.
> (a) The individual effects may be changes resulting from a single project or a number of separate projects.
> (b) The cumulative impact from several projects is the change in the environment which results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future projects. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time.

Guidelines § 15355 (emphasis supplied). See also Gordon & Herson, "Demystifying CEQA's Cumulative Impact Analysis Requirements: Guidance for Defensible EIR Evaluation," Cal. Env't'l L. Reporter, 379, 381 (Sept. 2011) (Vol. 2011, Issue 9) ("Critically, a proposed project's incremental effects may be "cumulatively considerable" even when its individual effects are limited.

(citations). In other words, CEQA does not excuse an EIR from evaluating cumulative impacts simply because the project-specific analysis determined its impacts would be 'less than significant.'" In short, the EIR's cumulative impacts analysis is wholly without a basis in substantial evidence and represents a failure to proceed by law.

III. PALEONTOLOGICAL RESOURCES

The project applicant acknowledged in its Initial Study – but not in the EIR – that "[t]he nearest vertebrate fossil locality from the older Quaternary deposits is LACM 7672, which is either located within the northwest portion of the project site or immediately adjacent to it, near the intersection of Third Street and San Vicente Boulevard." Initial Study at B-29. This is a significant impact. The Initial Study went on to list a number of other finds in the vicinity. The Initial Study disclosed that "[n]umerous fossil Pleistocene (approximately 2.6 million years ago – 11,000 years ago) localities have been documented within LA County from deposits similar to those underlying the project site," and that therefore "the project site should be considered highly sensitive for presence of paleontological resources." The project applicant asserts that Mitigation Measures CUL-2 through CUL-4 would make impacts less than significant. But CUL-4 provides only that if there is a find, work within 50 feet of the find will cease. The mitigation measure should instead provide that a paleontologist should have the authority to determine the extent to which work shall cease. Further, discussions of paleontological resources and relevant mitigation measures should be in the EIR as opposed to only in the Initial Study.

IV. GEOLOGY AND SOILS

The Initial Study states that the Project Site is located in an area considered to have high potential for liquefaction per the LA General Plan Safety Element, and also per the California Geological Survey. However, the EIR does not elaborate and it appears no geotechnical investigation has been done. While the project applicant's "geotechnical investigator" claims that prior investigations for the project site indicated that the liquefaction potential is "low", the EIR does not provide substantial evidence to support this claim.

V. HAZARDS AND HAZARDOUS MATERIALS

The Project's Phase I ESA disclosed that (1) the existing site contains LBPs (Lead Based Paints); (2) the soils had Total Recoverable Petroleum Hydrocarbons up to 4,900 mg/kg; and (3) the Project site is located in a Los Angeles Department of Building and Safety designated Methane Zone, and sampling disclosed over 1,000 ppmv for at least one sample taken.

The EIR does not provide adequate information with which to analyze items (2) and (3). The information referenced above was taken from the Initial Study not the EIR.

The Initial Study claimed significant impacts would be addressed through Mitigation Measures HAZ-2 through -6. They are inadequate for the following reasons:

- MM HAZ-2 would require monitoring of airborne lead at the project site to protect workers; if the monitoring shows less than 30 micrograms/m3 as an 8-hour time weighted average, the City would require the developer to hire a LBP abatement contractor. This is inadequate. The mitigation measure does not say when or how often monitoring would be conducted. It also says nothing about impacts on neighboring residents. Further, a LBP abatement contractor should be mandatory, not optional, in this dense urban environment.
- MM HAZ-4 calls for a Soil and Groundwater Management Plan. However, the EIR fails to specify any details about the plan, i.e., how or where the project applicant intends to dispose of contaminated soils.
- MM HAZ-6 provides for a Methane Control System including a gas detection and vent system and independent analysis by a qualified engineer to retard potential methane seepage into the building. This analysis by the qualified engineer should have been done already and included with the EIR; but it's not. The EIR also fails to provide any specifics about the gas detection system in compliance with LAMC § 91.7102.

VI. HYDROLOGY AND WATER QUALITY

The Initial Study concedes impacts to the groundwater level may result from implementation of the Project by direct withdrawal or through interruption of an aquifer through excavation. The Initial Study claimed that mitigation measures HYD-1 through HYD-3 will reduce the impacts.

HYD-2 provides for a groundwater hydrology report if permanent dewatering or temporary dewatering will be required, to assess the approximate drawdown the dewatering will cause and to disclose its spatial limits. The EIR fails to discuss this significant impact.

HYD-3 provides for a Report of Waste Discharge to the Los Angeles Regional Water Quality Control Board to determine what permit for discharge will be required, either to surface water or groundwater. This report should have been completed and included with the EIR – it's not.

The EIR also fails to address cumulative impacts from any other projects in the vicinity that are also building subterranean parking structures and impacting the groundwater level.

VII. PUBLIC SERVICES

As to police services, the EIR asserts that impacts will be less than significant based on nothing more than a personal communication with a police officer. The EIR should have assessed the present ratio of residents to officers and how the Project and other cumulative projects will affect that ratio. The EIR also should have discussed the effect on average police response time in the area. Attachment E provides a more appropriate framework for the analysis of police services (taken from the Landmarks Apartments DEIR).

As to parks, the project applicant cannot rely on the payment of Quimby Fees as mitigation. The EIR also includes this unintelligible sentence that needs to be clarified: "To accommodate the recreational needs of the new residents, the proposed project would provide approximately 26,862 sf of open space, which exceeds the City's required open space of 19,750 sf by approximately 1,528 sf."

VIII. TRANSPORTATION AND TRAFFIC

The EIR's air quality impact analysis depends on its traffic analysis, which is also deficient.

The EIR says the City's residential parking policy requires that the applicant designate 2 spaces per unit plus 0.25 spaces for non-parking congested areas or 0.5 spaces for congested areas or condos. However, the EIR doesn't say whether the Project is being planned as a condo development or whether the Project is in a "parking congested area."

The EIR says that its calculations are reduced by 5% for "internal trip reductions" for the supermarket and restaurant uses, and that trips for all uses are reduced by 15% for transit and walk trips. This is improper double counting. The EIR also takes a 10% pass-by adjustment for the restaurant use and a 40% pass-by adjustment for the supermarket use. The EIR alternatively refers to this space as retail or supermarket. However, the 40% reduction is inappropriate for any use other than a supermarket use. Thus, the EIR needs to specify unequivocally whether the space is being used for a supermarket.

The EIR takes "credit" for the former use as a Loehmann's Department Store even though the building has been vacant for 1.5 years. In other words, the EIR is stuffing non-existent traffic into their "baseline" for traffic analysis as well as for air quality modeling. This is improper. The project applicant is relying on the

case of *North County Advocates v. City of Carlsbad* (2015) 241 Cal. App. 4th 94 to justify its use of hypothetical traffic counts.

There are at least three problems with this approach. First, the *North County* case was wrongly decided and contrary to the California Supreme Court's precedent in *Communities for a Better Environment v. South Coast Air Quality Management District* (2010) 48 Cal. 4th 310 ("CBE"). In CBE, the California Supreme Court rejected the South Coast Air Quality Management District's use of a hypothetical baseline of the air emissions that were permitted versus those that had actually been emitted from a refinery. The refinery at issue in that case, ConocoPhillips, argued that it had vested rights to emit at the levels in its permits; the Supreme Court disagreed, but wrote:

> Even if environmental review were to indicate that the project's adverse effects could be mitigated only by a condition requiring ConocoPhillips to reduce or limit its use of an individual boiler below the previously permitted level, but ConocoPhillips's vested rights precluded imposition of that condition, CEQA would still demand an analysis of the project's true effects. That a particular mitigation measure may be infeasible or precluded, as by the applicant's vested rights, is not a justification for not performing environmental review; it does not excuse the agency from following the dictates of CEQA and realistically analyzing the project's effects. 48 Cal. 4th at 324-325.

Second, this case is distinguishable from the *North County* case. Unlike here, the *North County* applicant was proposing to develop the department store in question according to its past use. In contrast, here, the proposed Project case is not a department store consistent with past use; it is a massive apartment building with associated retail uses.

Third, the applicant in *North County* was using only hypothetical traffic counts. Here, by contrast, the project applicant has actual traffic counts, but it is attempting to supplement the actual counts with hypothetical counts. This is inappropriate. The actual counts, and nothing else, should have informed the air quality, traffic, and noise analyses.

In the EIR's Traffic discussion, under "Future with Project Evaluation Procedures," the EIR indicates that it added 1% growth for each year for two years. But the baseline was 2014 to which the project applicant had added 1%, and it was calculating for 2019, which means the EIR is missing two percent – from 2015 to 2017. See pages 4.4-15 to -16, and see 4.4-15 (Existing Intersection Conditions).

At 4.4-16 under Regional Public Transit System, the EIR indicates that the estimated base vehicle trips were multiplied by 1.4 for person trips and then multiplied by the number of persons expected to take transit. The EIR says that "these numbers are higher in some cases than the default countywide guidelines in the Congestion Management Program and therefore more conservative in this instance as they reflect the higher transit use that would occur for the project." Since the EIR is assuming this transit use would replace cars on the road, we believe this analysis is actually the opposite of conservative.

At 4.4-24 the EIR indicates that there will be road closures: the project applicant expects to close down the parking lane and bicycle lane along San Vicente during the entire construction period (approximately 24 months). The EIR further states that "[d]uring the demolition and excavation phase (approximately four months) the project would likely need to close one southbound traffic lane on La Cienega Blvd." On the immediately preceding page, and elsewhere, the EIR acknowledges that the demolition and excavation phases should last 6 month (which is understated, as discussed elsewhere in this letter). This creates a significant impact because La Cienega Blvd. is designated by Los Angeles County as a Disaster Route. While the project applicant relies on Project Design Feature 4.4-1, a Construction Traffic Mitigation Plan, to reduce impacts, the Plan has yet to be developed or approved.

The project applicant needs to haul 25,000 cubic yards of material from demolition. It has assumed it can load 14 cubic yards of material per truck. It fails to acknowledge that state law requires it to maintain 1 foot of freeboard with each truck to prevent dust. This means that the project applicant could carry at most 9 cubic yards per truck. Moreover, the project applicant has committed to use only "small trucks" to reduce vibration, so even 9 cubic yards is an overestimate. Nevertheless, using the 9 cubic yard estimate, that would mean 2,778 truckloads for demolition, and approximately 3 months for hauling Demolition Phase material, which is the EIR estimated. However, for the Excavation Phase, the project applicant estimates 28,000 cubic yards of material or 3111 truckloads, divided by 25 trucks a day (project applicant's estimate), yields 124 days and for 6 days a week this is 4.8 months. Therefore, the EIR should be assuming 8 months for demolition and excavation, not 6 or 4 months.

The CTMP should have been developed and disclosed to the public as part of the CEQA process. There are no assurances that the project applicant's "disaster detour plan" will work.

Disaster Routes, according to LA County, are used to transport emergency equipment, supplies and personnel into an affected area. See Attachment A. Therefore, both sides of La Cienega need to remain open for it to function effectively as a disaster route (the issue is not merely access to Cedars Sinai). See

Attachment B. Also, impacts are to be reported to the County, and this is not provided for in the "Project Design Feature."

Regarding Construction Impacts to Traffic, the EIR indicates that the project applicant is using a Passenger Car Equivalent value of 2.0 for their haul trucks. But the EIR elsewhere indicates that the project applicant expects to remove 14 cubic yards of material with each truckload, which would likely require a 4- or 5-axle truck. Thus the assumption of a 2.0 PCE is not based on substantial evidence. See Attachment D, Passenger Car Equivalents for Heavy Vehicles in Work Zones. The PCE should be 2.5 or 3.0. Thus, when the EIR says the project applicant will remove 36 truckloads of material during the Demolition Phase, meaning 72 trips, or a PCE of 144, the PCE should be at least 180 or 216. With respect to excavation and grading, the PCE is not 100, but more like 150 or 186.

As to the Construction Phase itself, the EIR now anticipates an average vehicle occupancy of 1.4. This is inconsistent with the project applicant's earlier, more credible ratio of 1.135 persons/car.

The EIR states that "Parking for construction workers would initially be provided offsite, as specified by the CTMP. The locations have not yet been determined but they would be in commercial areas." It is highly unlikely that they will find this much parking. They rely on Pub. Resources Code section 21099 to the effect that they do not have to find parking impacts to be significant for residential projects in transit priority areas, but it is not clear that the Legislature intended to exempt construction parking impacts. In fact, § 21099(e) provides "This section does not affect the authority of a public agency to establish or adopt thresholds of significance that are more protective of the environment." The LA CEQA Thresholds Guide provides for a more protective threshold as to construction parking. Note also the EIR concedes that the Project would lead to the closure of 9 parking spaces, presumably along San Vicente, for the duration of construction. See EIR at 4.4-34.

Under 4.4.4, Cumulative Impacts, the EIR acknowledges that construction workers from the Project and cumulative projects would be leaving the area during the PM peak hour, but the EIR does not analyze the significance of this impact with any quantitative reasoning. It also concedes there is potential for Project haul routes to overlap with other project haul routes, "particularly with respect to other projects located along La Cienega Boulevard," of which there are at least three. Looking at the project map, there are a number of projects which would likely designate La Cienega south to the 10 as their haul route, exacerbating limitations on its use as a Disaster Route (not to mention its use as a traffic corridor).

IX. LAND USE AND PLANNING

Under the LA CEQA Thresholds Guide the standards are "whether the proposal is inconsistent with the adopted land use/density designation in the Community Plan," and "whether the proposal is inconsistent with the General Plan."

The answer is yes, even though the project applicant claims the answer is no. The EIR acknowledges that the development would require a GPA to change land use designation from Neighborhood Office Commercial to Regional Center Commercial, and a Vesting Zone Change from C2-1VL-O to C2-2-O. The EIR claims that the Project is "generally consistent" with the GP Framework Land Use chapter, but the Project is increasing density all over the City in violation of existing zoning and General Plan provisions.

The EIR asserts that the Project is "compatible" with neighboring uses even though it would be 20 stories when the adjacent Beverly Center-Cedars Sinai Regional Center have heights between 2 and 10 stories, and 8500 Burton Way to the South is 8 stories, and the Westbury Terrace condominium complex is 12 stories to the West. Thus, the project applicant's assertions are simply not based on substantial evidence. The EIR cites the Four Seasons Hotel on S. Doheny Drive as an example of why the building is compatible with its surroundings, since the Four Seasons is 16 stories, but it is 1.5 miles driving distance (16 blocks) away.

At 4.2-14 the EIR asserts the building would have a FAR of 3:1. This is false. The Project would have (as acknowledged elsewhere in the EIR, e.g., at 4.2-16) a FAR of 6:1.

At 4.2-18 the EIR claims that the Project "would be compliant with the uses allowed under the C2-2-O zoning. Upon approval of this zoning . . . the proposed project would be consistent with" the Los Angeles Municipal Code, and therefore "impacts would be less than significant." But the EIR should be evaluating the Project against existing zoning, with which it is not consistent.

At 4.2-20 the EIR provides Table 4.2-1, Consistency with Local Land Use Plans. Relating to the General Plan Framework Element Policy 3.9-6, "Require that commercial and mixed-use buildings located adjacent to residential zones be designed and limited in height and scale to provide a transition with these uses where appropriate." The Project is not consistent with this policy. The EIR also says the Project is consistent with Policy 3.10.1, "Accommodate land uses that serve a regional market in areas designated as Regional Center." It is not. The Project is on a site that is not designated Regional Center but for the GPA. The EIR also fails to acknowledge that the Project is inconsistent with the following provisions of the Wilshire Community Plan:

> Objective 1-4: "Provide affordable housing and increased accessibility to more population segments, especially students, the handicapped and senior citizens."
> Objective 4-4: "Expand and improve Neighborhood, Community and Regional Parks, and Recreation Centers and Senior Citizen Centers, throughout the Wilshire Community Plan on an accelerated basis, as funds and land become available." (The EIR asserts that the developer is paying Quimby Fees and this mitigates the Project's impact, but the City is woefully behind on developing parks, and there is no demonstration that the fees paid will therefore mitigate the Project's impact).
> Policy 4.4-1: "Develop new Neighborhood and Community Parks to help offset the Wilshire Community's parkland deficit for both its current population and for the projected year 2020 population."

At 4.2-27 the EIR asserts that the Project is consistent with the SCAQMD Air Quality Management Plan, because the project applicant contends that "projects that are consistent with the regional population, housing and employment forecasts identified by SCAG are considered to be consistent with the AQMP growth projections." Wrong. SCAQMD's CEQA Handbook requires analysis of consistency with the City's General Plan. As acknowledged by the EIR, the Project is not consistent with the General Plan, which is why it needs a GPA.

Regarding cumulative impacts the EIR refers to the two projects closest to the Project site but fails to identify how many of the 53 projects specified are providing for increased density and GPAs to accommodate that increased density. Nor do they address the overall trend throughout the City in this regard.

X. NOISE

Table 4.3-11 of the EIR provides the Estimated Construction Noise Levels at Offsite Sensitive Uses. The EIR concludes that there would be a 14.6 dBA Leq increase at Westbury Terrace Condominium Tower, 14.4 at the adjacent church, 6.7 at the mixed use residential/retail building south of the Project site across San Vicente and Burton Way, and 6.0 at the multi-family residential buildings to the southwest at San Vicente and Burton Way. These all exceed the LA CEQA Threshold of 5 dBA for a noise sensitive use for construction lasting more than 10 days in a 3 month period and two of them exceed the LA CEQA Threshold of 10 dBA for construction lasting more than a day.

At 4.3-33 the EIR asserts that a series of mitigation measures effectively requiring compliance with the LAMC would reduce noise impacts to a less than significant level. This is done by analyzing impacts relative to the requirements in the LAMC and not the LA CEQA Thresholds. The EIR's conclusion is not

based on substantial evidence. While the EIR concedes at 4.3-37 with respect to Impact 4.3-3 that the Project would result in a substantial temporary or periodic noise increase, it fails to acknowledge that the impacts under Impacts 4.3-1 and 4.3-3 would be significant.

Regarding Impact 4.3-2 (exposure to or generation of excessive ground-borne vibration or ground-borne noise levels), Table 4.3-15 concedes that the vibration levels at the retail uses directly adjacent to the Project site would exceed Caltrans and FTA Vibration Damage Potential thresholds. The threshold is 0.5; vibration at the retail use would be 0.995. The EIR claims that this impact would be reduced to less than significant levels through Mitigation Measure 4.3-8, which requires the project applicant to use "small" bulldozers and loaded trucks. But this directly contradicts the EIR's assumptions regarding the number of trips it will take to remove demolition debris and excavated soils from the Project site. The EIR assumes that debris and soils would be removed at the rate of 14 cubic yards per truck in order to complete the removal within 6 months. However, this is impossible to accomplish using "small" trucks. Thus, the project applicant needs to redo its traffic and air quality assessments. It should also reconsider its conclusion that the closure of a lane on La Cienega for a minimum of 8 months will not have significant impact.

XI. PROJECT ALTERNATIVES

The EIR only analyzes three alternatives: the No Project Alternative, the Existing Zoning Alternative which allows development on the same site in accordance with the existing Wilshire Community Plan and requires a FAR of 1.5 to 1 as opposed to 6 to 1, and a Reduce Density Alternative which allows the development of a 8 story building on the same site. The EIR fails to analyze any alternative that is based on a different site. This violates CEQA's requirement that the EIR analyzes a reasonable range of alternatives.

XII. OTHER CEQA CONSIDERATIONS

The EIR asserts that "[t]he proposed project would be designed to meet certain LEED standards through the incorporation of green building techniques and other sustainability features," but it doesn't specify the LEED standards. The EIR then lists several "features" that the project applicant claims the building will have. However, none of these "features" are verifiable improvements, let alone enforceable mitigation measures. The EIR says that the building will have energy efficiency "above that required by Title 24," but it does not specify by how much or how the project applicant intends to achieve this. The EIR says that there will be construction and demolition waste recycling, but this is mandated by state law, and does not qualify as mitigation. The EIR says that there will be bicycle

storage, but the project applicant is relying on this to reduce the number of parking spaces it has to provide in complying with applicable City ordinances. Lastly, the EIR claims there will be "Energy Star" rated residential appliances but doesn't specify what appliances or which level of compliance.

As to Section 5.4, Growth Inducing Impacts, the EIR says only that the Project's population would represent 0.39 percent of the 2010 population growth forecast. However, the EIR fails to address the impacts of increased density throughout the City from this and other projects obtaining GPAs.

Sincerely,

Gary Ho

BLUM |COLLINS LLP

ATTACHMENT A

Attachment A

ROAD CLOSURE/DAMAGE REPORTING

Disaster Routes play a primary role in disaster response and recovery. During a disaster and immediately following, Disaster Routes are used to transport emergency equipment, supplies and personnel into an affected area. Disaster Routes are also utilized by fire, emergency medical services and others involved with public safety for life saving measures. Knowing the status of the routes benefits all jurisdictions in the Operational Area by saving valuable time and minimizing last minute rerouting. Each jurisdiction is responsible for reporting road closures and road damages in their area. Disaster routes have priority for clearing, repairing and restoration over all other roads.

The County's Emergency Management Information System (EMIS) is the primary and preferred method of reporting road closure and road damage. EMIS allows for quick reporting and sharing of information.

NOTE: If the County's Emergency Management Information System (EMIS) is not available, road closure or road damage should be reported to the Sheriff Watch Commander or Sheriff Station-Emergency Operations Center (if activated) at the Sheriff Station serving the area. Road closure and road damage can also be reported to the Los Angeles County Department of Public Works by calling (800) 456-HELP (4357).

To report road closure or road damage in EMIS, first log onto EMIS then perform the following steps:

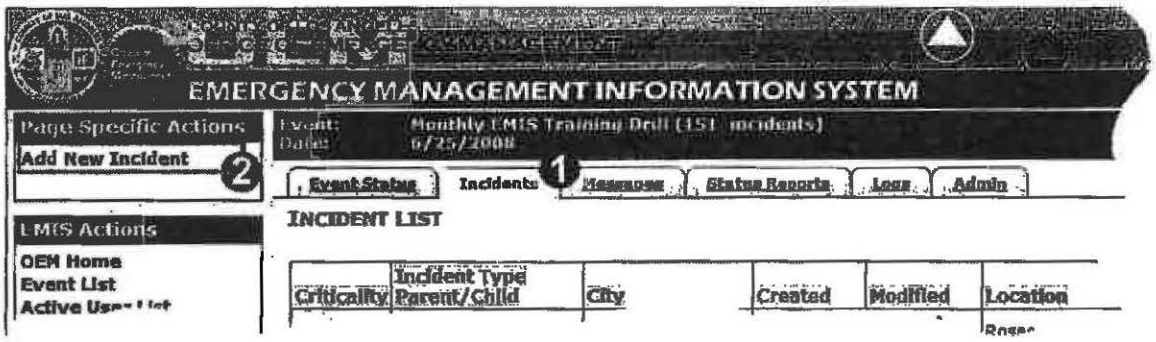


Figure 1

1. Click the *Incidents* tab (see fig. 1)

2. When in Incidents, click *Add New Incident* (see fig. 1)

(Continued on page 2)

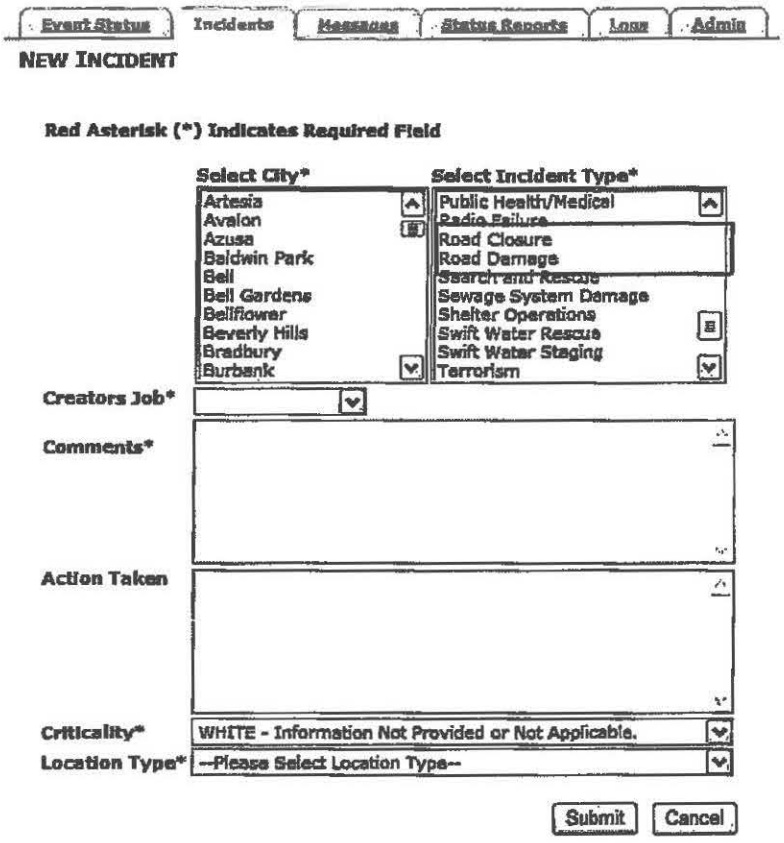


Figure 2

3. Under *Select Incident Type*, select either Road Closure or Road Damage as appropriate (see fig. 2)

4. Under *Comments*, include the street name of the affected street, the street limits (to street/from street), whether or not the street is a Disaster Route, reason for closure or type of damage and estimated reopening dates (if known).

   Example: N. Eastern Ave closed between Woolwine Dr and Rosilyn Dr due to a ruptured water pipe. All lanes closed. This portion of N. Eastern Ave is not a disaster route. No estimated reopening date is available at this time.

5. Fill in the other requested information then click the *Submit* button (see fig. 2)

If you need an EMIS account or EMIS training, please contact your DMAC.

ATTACHMENT B

Attachment B

City Boundary

Freeway Disaster Route

Disaster Route

Thomas Guide Page Grid

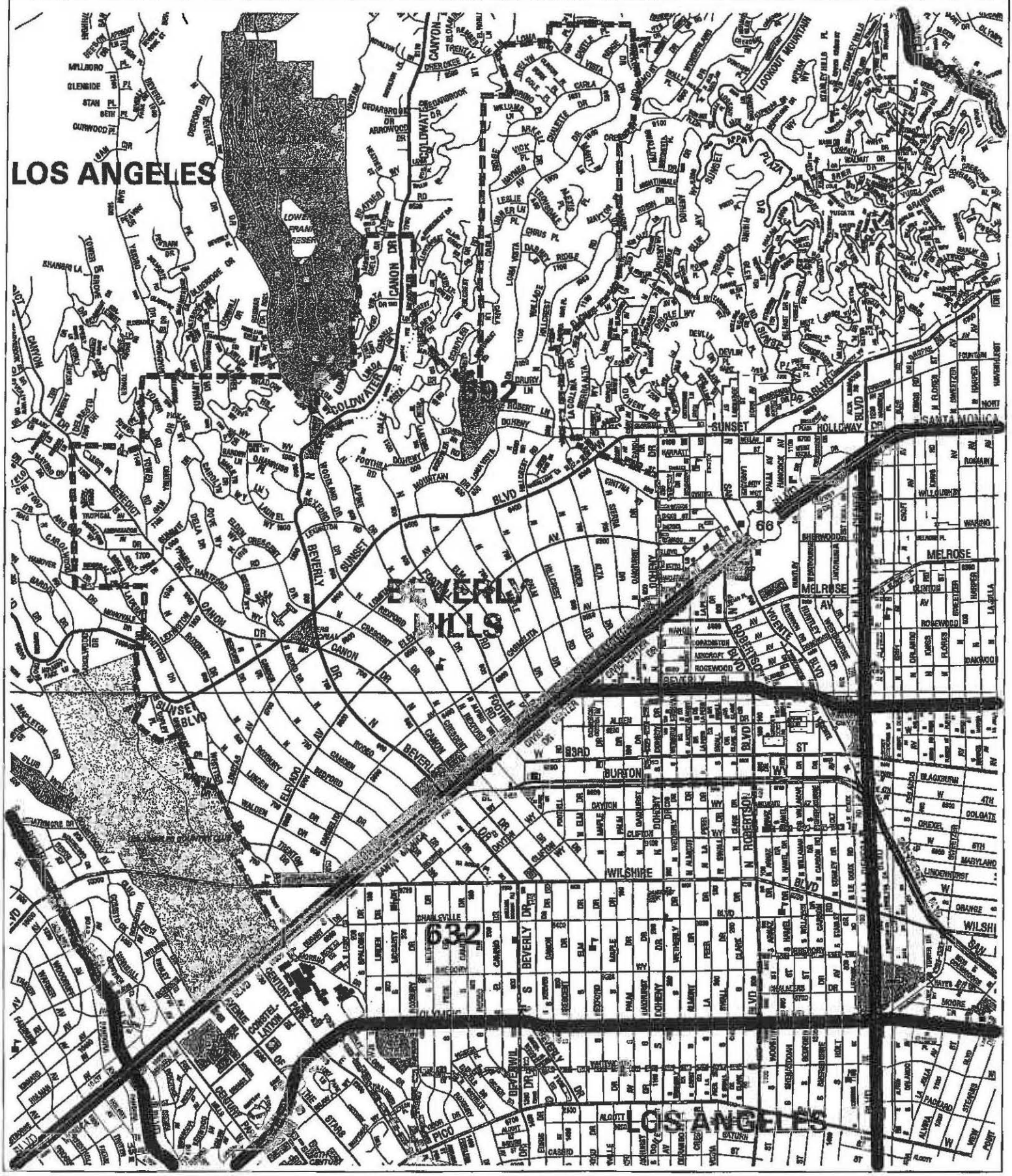
CITY OF BEVERLY HILLS

(Map Size: 8.5" x 11")

GIS SERVICES

FEET 2400

0 MILES 0.455



ATTACHMENT C

Attachment C

California Environmental Protection Agency

Air Resources Board

2014 Edition

California Greenhouse Gas Emission Inventory: 2000-2012

May, 2014

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Summary

This report presents an overview of the 2014 Edition of the California greenhouse gas (GHG) emission inventory, which tracks emissions and trends from 2000 through 2012. As California strives to achieve its benchmark goals under AB 32, the California inventory is an increasingly valuable tool to keep track of greenhouse gas emissions from each sector. Maintaining and updating greenhouse gas inventory methodologies and data are imperative for a successful greenhouse gas reduction program.

In 2012, total California greenhouse gas emissions were 459 million metric tons (or tonnes) of carbon dioxide equivalent ($MMTCO_2e$). This represents a 1.7 percent increase in total GHG emissions from 2011 and the first emissions increase since 2007. This increase was driven primarily by strong economic growth in the state, the unexpected closure of the San Onofre Nuclear Generating Station (SONGS), and drought conditions that limited in-state hydropower generation. Since 2000, GHG emissions have decreased by 1.6 percent (from 466 to 459 $MMTCO_2e$) after reaching a peak of 493 $MMTCO_2e$ in 2004.

Emissions in this report are aggregated based on an Economic Sector categorization. In 2012, the transportation sector is the largest source of emissions, accounting for approximately 37 percent of the total emissions. On-road vehicles accounted for more than 90 percent of emissions in the transportation sector. Transportation related GHG emissions have dropped 11 percent since 2006. The industrial sector accounted for approximately 22 percent of the total emissions. Emissions from electricity generation were about 21 percent of total emissions, with higher contribution from in-state than from imported electricity.

Per capita emissions in California have decreased by 12 percent from 2000 to 2012, in spite of the overall 11.4 percent increase in population during the same period. Per capita emissions from in-state electricity generation have declined by 22 percent from 2000 to 2012.

From a broader geographical perspective, California ranks second in the United States in total greenhouse gas emissions; Texas remains as the #1 GHG emitting state. However, from a per capita and per GDP standpoint, California has the 45th and 46th lowest emissions respectively. On an international scale, California has the 20th largest greenhouse gas emissions and the 38th largest per capita emissions for year 2010.

The 2014 edition GHG inventory represents a transition to global warming potentials (GWPs) in the IPCC 4th Assessment Report (AR4). Previous GHG inventories relied on GWPs from IPCC's Second Assessment Report (SAR).

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I. Background

A major challenge of today's world is to meet the energy needs of the growing population while protecting the earth and its climate. Governments and organizations at national as well as regional levels have started to take necessary actions to reduce greenhouse gases (AB 32, 2006; United Nations, 2012). The generation of a consistently updated emission inventory with an emission baseline year to monitor the progress of greenhouse gas sources and reductions is vital to these efforts.

The California Legislature and Governor took significant steps to address the concerns raised about climate change with the passage and signing of the Assembly Bill (AB) 32, the Global Warming Solutions Act of 2006 (AB 32, 2006). The California Air Resources Board (ARB) was designated as the lead implementation agency of this landmark legislation. AB 32 set a target to reduce California greenhouse gas emissions to 1990 levels by year 2020. In addition, the Governor signed Executive Order S-3-05 to further require California to reduce greenhouse gas emissions by 80 percent below the 1990 levels by year 2050 (EO, 2005). Parallel to these actions, the California Legislature passed and the Governor signed AB 1803, making the ARB responsible for developing the GHG emission inventory.

Parallel to these actions in 2006, the California Legislature passed and the Governor signed AB 1803 making the ARB responsible to prepare, adopt, and update an inventory of greenhouse gas emissions from all sources located in the state.

The California greenhouse gas emission inventory serves as a foundation for the State's emission reduction goals. ARB regularly updates California's greenhouse gas inventory on its Greenhouse Gas Emission Inventory website (http://www.arb.ca.gov/cc/inventory/inventory.htm). The first set of inventory data covering statewide greenhouse gas emissions and sinks from 1990 through 2004 was published in 2007. In addition, ARB also published a staff report titled "*California 1990 Greenhouse Gas Emissions Level and 2020 Emissions Limit*" that discusses the determination of the 1990 statewide emissions level and provides a summary of the methodologies and main sources of data used to calculate the greenhouse gas emissions (CARB, 2007). These past reports and other inventory related documents are available from ARB's California Greenhouse Gas Emission Inventory website http://www.arb.ca.gov/cc/inventory/inventory.htm.

The 2014 edition of the inventory compiles statewide anthropogenic greenhouse gas emissions from 2000 through 2012. This document presents

a summary of the 2000 to 2012 emissions data, and discusses the statewide greenhouse gas emission trends and relative contributions of emission sources to the total emissions. It is important to note that ARB has updated the estimates of emissions for the full 2000 to 2012 time series, to reflect the latest estimation data and methodologies. This is consistent with the Intergovernmental Panel on Climate Change (IPCC) *Good Practice Guidance and Uncertainty Management in National Greenhouse Gas Inventories* (IPCC, 2000), which states that "It is good practice to recalculate historic emissions when methods are changed or refined, when new source categories are included in the national inventory, or when errors in the estimates are identified and corrected." A comprehensive technical support document detailing the data sources and methods used to develop the 2000 to 2012 inventory is available on the ARB website (CARB, 2014). A technical support document detailing the data sources and methods used to develop the 2000 to 2012 inventory is also available

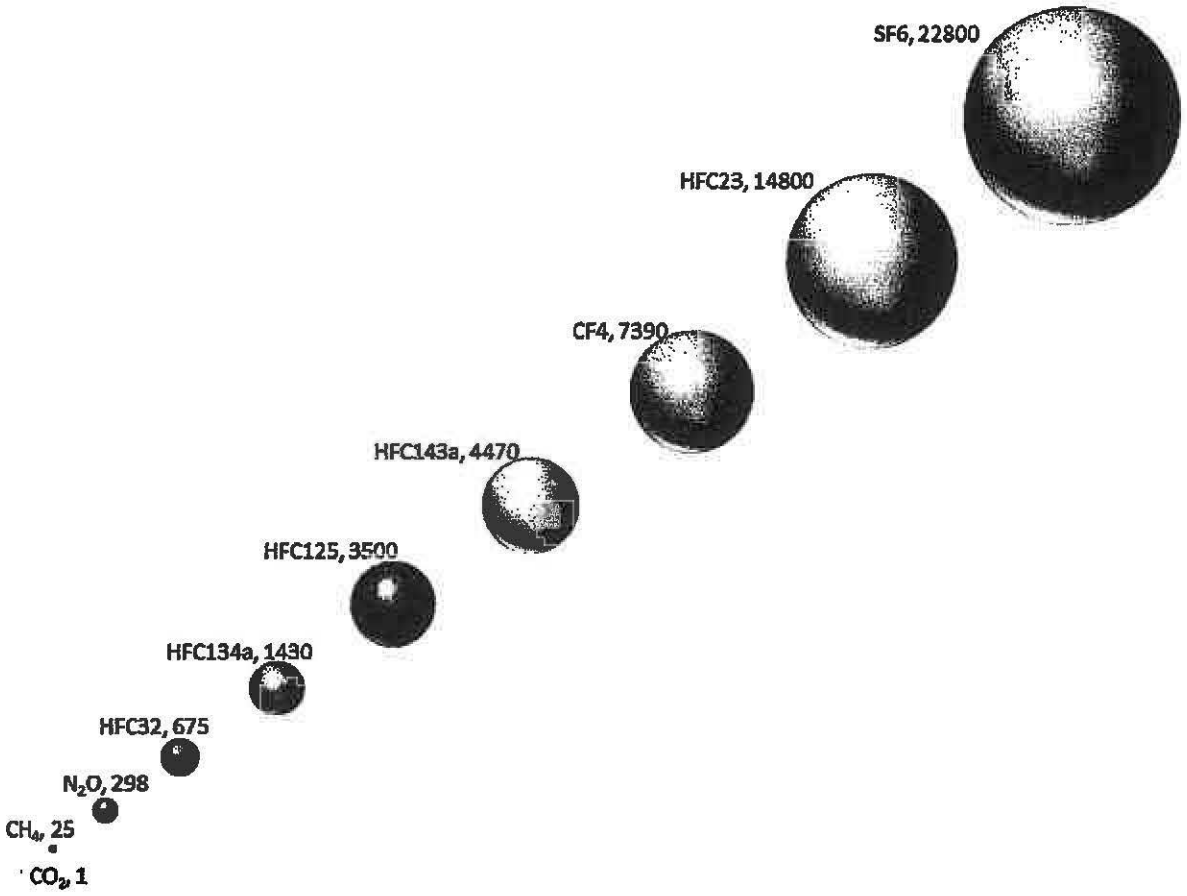
II. Overview of Climate Change and Greenhouse Gases

Emissions of carbon dioxide (CO_2) have increased greatly following the industrial revolution from combustion of fossil fuels, and later from the production of synthetic greenhouse gases such as chlorofluorocarbons (CFCs), hydrofluorocarbons (HFCs), perflurocarbons (PFCs) and sulfur hexafluoride (SF_6). In the past years, numerous scientific studies have shown that the enhanced greenhouse effect causes climatic shifts that will have an adverse effect on human survival (Meehl et al., 2005; Patz et al., 2005; Dettinger and Cayan, 1995). An emission inventory that identifies and quantifies the sources and sinks of these greenhouse gases is essential for addressing climate change.

A. Greenhouse Gases

The Kyoto Protocol identifies the following six gases for emission reduction targets: CO2, methane (CH4), nitrous oxide (N2O), HFCs, PFCs and SF6. Each GHG has a global warming potential (GWP) value, calculated to reflect the relative climate forcing of a kilogram of emissions and how long emissions remain in the atmosphere. The global warming potential allows for a comparison of the warming influence of different greenhouse gases relative to CO2 and provides a single consistent emission unit (IPCC, 2007). For example, it would take 22,800 CO2 molecules to have same effect as one SF6 molecule. This is because SF6 absorbs infrared radiation in a different energy range and has a longer lifetime in the atmosphere than CO2. Thus, small amounts of high GWP gases have a large effect on global warming. GWPs from IPCC's Fourth Assessment Report for greenhouse gases defined in AB 32 are shown in Figure 1.

Figure 1. Global Warming Potentials of Greenhouse Gases



Source: IPCC Fourth Assessment Report

B. Anthropogenic and Natural Emissions

The California GHG inventory is primarily focused on anthropogenic emissions. Anthropogenic emissions directly result from human activities or from human influence on natural and other processes subject to human control (U.S.EPA, 2008). Increases in anthropogenic emissions from pre-industrial times have substantially increased atmospheric greenhouse gas concentrations.

Natural CO_2 emissions are emitted as part of the biogeochemical cycling of carbon and tend to average out over time even though emissions may be significant (IPCC, 2006). For quantification of greenhouse gas fluxes on forest, range, and other natural lands, ARB is updating the methodology under a research contract with UC Berkeley initiated in late 2011. The new quantification procedures under development integrate regularly updated

federal and state ground-based data with geospatial and remotely sensed data and models. Forest and natural lands are not included in the 2014 edition of the inventory while ARB continues to update the methodology.

III. California Greenhouse Gas Emission Inventory

The California greenhouse gas emission inventory serves as the foundation for the State's greenhouse gas emission reduction program. The inventory is a living repository of detailed methodologies for estimating greenhouse gas emissions. The inventory is also a time series of emissions, thus providing a platform to compare the relative contribution of different emission sources and gases to climate change over time.

There are two main types of inventory approaches used to determine the amount of greenhouse gas emissions from a region: the top-down and bottom-up approach (CLIISE, 2007). The California GHG inventory uses both approaches. The top-down approach utilizes nationwide or statewide data, while the bottom-up approach uses facility-specific data to estimate emissions from each source. The total number of emissions from each source are then summed together to generate an inventory for a particular geographic region. For certain industry sectors, ARB draws data from various federal and state government agencies in a top-down approach. For other industry sectors, the data collected through the Regulation for the Mandatory Reporting of Greenhouse Gas Emissions (MRR) program enables ARB to utilize the bottom-up approach. Verified data from the MRR for specific sectors such as in-state power generation, specified electricity imports, refineries and cement manufacturing were used in the 2012 emission inventory.

California Inventory and Other Greenhouse Gas Inventories

The California inventory is developed in a manner consistent with international and national guidelines to the greatest extent possible. Consistency maximizes the comparability of the inventory with similar inventories from other states and nations. This is important as California considers participation in standardized regional, national and international greenhouse gas emission reduction programs.

At an international level, the IPCC has developed standard international guidance for emission inventories (IPCC, 2006). Nations that have adopted the United Nations Framework Convention on Climate Change (UNFCCC) must prepare and report their emissions and sinks of CO_2, CH_4, N_2O, SF_6, PFCs, and HFCs using IPCC methodologies to ensure comparability among national inventories. The IPCC guidelines delineate the sectors and processes for which nations must report their greenhouse gas emissions and

sinks, and how they should report these emissions. They also describe various methodologies to estimate emissions depending on the available data sources (IPCC, 2006). The guidelines allow for use of state-specific data and methodologies rather than the more generic international ones when available. In the California inventory, state-specific emissions data were used whenever possible.

As a nation, the United States follows the IPCC guidelines (with the United States Environmental Protection Agency (U.S.EPA) acting as the lead agency) and submits its national greenhouse gas inventory to UNFCCC Secretariat annually. The U.S.EPA supplements the widely applicable IPCC methodologies with more US-specific methodologies and data (U.S.EPA, 2008).

Inventory Organization

ARB has presented the GHG emissions estimates in California inventory in three formats. First, the GHG emission estimates are presented in the categories outlined in the 2008 Scoping Plan, which focuses on areas for emission reductions. These Scoping Plan sectors include: transportation, electric power, commercial and residential, industrial, recycling and waste, High GWP gases, and agriculture.

Second, the emission estimates are categorized into traditional economic sectors based on economic activity within California, as defined by North American Industry Classification System (NAICS, 2012). These sectors include: agriculture and forestry, commercial, in-state electricity generation, imported electricity, industrial, residential, transportation, and others. The economic sector categorization allows for comparison with other ARB emission inventories, which are similarly categorized. This categorization scheme also provides a familiar reference for readers accustomed to reviewing emission estimates generated by national, state, and local air agencies. The primary difference with Scoping Plan sector categorization is that emissions from High GWP gases are placed under the appropriate sectors of industrial, transportation,

This categorization of the inventory based on economic sectors includes emissions from international and domestic ships operations within California waters under the transportation sector. The aviation category, located within the transportation sector, only includes emissions for intrastate flights. Interstate and international flight emissions are calculated and included as an informational item, but their greenhouse gas emissions are not counted (these are listed as "excluded emissions" in the inventory) in California's overall inventory. Unless otherwise indicated, emissions estimates in this report are categorized by the economic sectors and emission categories. A small portion of the total emissions could not be

attributed to any of the economic sectors and are therefore aggregated into a "not specified" group[1].

Finally, the emissions data have been categorized by IPCC levels, which is based on groupings of related emission processes and sinks as indicated in the IPCC Guidelines (IPCC, 2006), to ensure comparability with international and national inventories. This version includes five main sectors based on the IPCC categorization: energy; industrial processes and product use; agriculture and other land use; waste; and other.

Changes in the 2000-2012 Inventory

Updates to the methodologies used in the California inventory are an ongoing process. ARB staff regularly evaluates scientific developments in greenhouse gas inventories. In general, the majority of the methodologies and calculations used to generate the emission values have remained constant. However, every year ARB makes improvements to the methods or data used to determine greenhouse gas emissions.

The 2000-2012 GHG inventory represents a transition to global warming potentials (GWPs) in the IPCC's 4th Assessment Report (AR4) compared to previous GHG inventories that relied on GWPs from IPCC's Second Assessment Report (SAR). As a result, the GWP of methane changed from 21 to 25 and also revised the GWPs of other gases to their updated values (IPCC, 2007). For detailed discussions on the updated methodologies and changes to the emission estimates, refer to the Technical Support Document for the 2000 to 2012 inventory (CARB, 2014).

IV. Statewide Emission Estimates and Emission Trends

This section summarizes the latest information on **greenhouse gas emissions and trends in California based on the economic sectors categorization of the inventory**. The estimates reflect revisions to methodologies and data for the 2000 to 2012 time series. Detailed discussions on emission calculations and methodologies are comprehensively discussed in the technical support documents.

Emissions Trends

In 2012, total GHG and per capita emissions increased by 1.7% from 2011 emissions. This increase was driven largely by the increased reliance on natural gas-generation sources of in-state electricity due to the closure of the San Onofre Nuclear Generating Station (SONGS) as well as dry hydrological

[1] Unspecified emissions include emissions from categories that could not be attributed to a particular traditional economic sector.

conditions in 2012 (drought) causing a drop in the in-state hydropower generation. Total statewide greenhouse gas emissions have decreased from 466 million tonnes of carbon dioxide equivalent ($MMTCO_2e$) in 2000 to 459 $MMTCO_2e$ in 2012, a decrease of 1.6 percent.

Figure 2 depicts the general trend in the emissions by greenhouse gas from 2000 to 2012. Figure 2 also shows the percent contribution of each GHG to the 2012 statewide emission total. CO_2 is the largest contributor to statewide greenhouse gas emissions. CO_2 emissions accounted for approximately 88 percent of the emissions in 2000 and 85 percent in 2012. CH_4 and N_2O account for 8.3 and 2.9 percent of the total emissions in 2012, respectively. SF_6 emissions accounted for 0.1 percent of the total emissions. Other halogenated gases constituted approximately 4 percent of the total emissions.

Figure 2. California Greenhouse Gas Emission by Gas

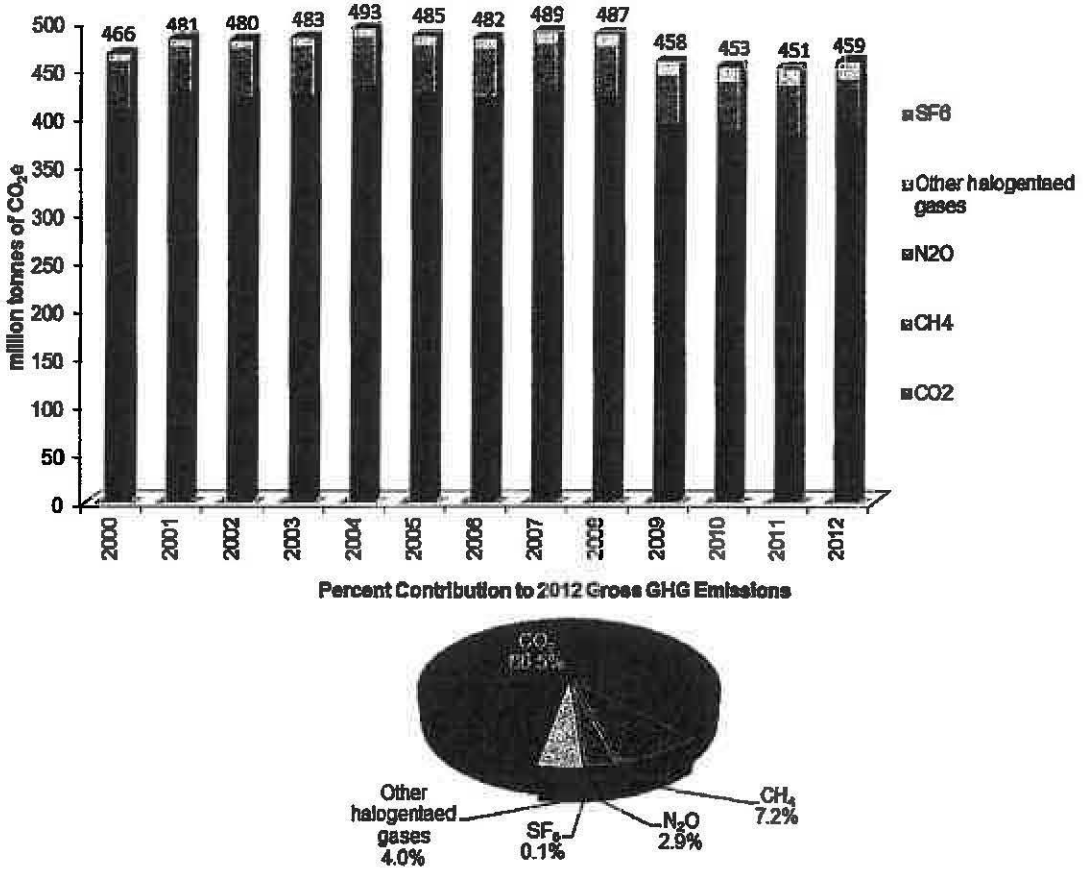


Table 1 shows the total statewide greenhouse gas emissions by gas type. Table 1 shows that the emissions of methane and halogenated gases increased from 2000 to 2012 and CO2, N2O, and SF6 decreased during the same period. Overall, CO2 emissions decreased by 5 percent from 2000 to 2012, and increased by 1.4 percent from 2011 to 2012. N2O and SF6 emissions also decreased by 10.9 and 30.1 percent, respectively, while CH4 and halogenated gas emissions increased by 12.3 and 137 percent respectively, from 2000 to 2012. Though the magnitudes of emissions increase of SF6 and halogenated gases are comparatively smaller from 2000 to 2012, their emissions are significant because of their high GWPs and longer atmospheric lifetimes.

Table 1. California Greenhouse Gas Emissions by Gas

Greenhouse Gas	GHG Gross Emissions ($MMTCO_2e$)*													Percent Change	
	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2000-2012	2011-2012
CO_2	409.3	424.4	421.5	423.4	433.5	425.3	421.4	426.3	422.3	393.8	386.8	383.5	388.7	-5.0%	1.4%
CH_4	34.0	34.3	34.5	35.0	34.3	34.7	35.7	37.3	37.9	37.7	37.3	37.5	38.1	12.3%	1.7%
N_2O	15.0	14.5	16.1	15.8	15.4	14.7	14.4	13.7	14.0	12.9	13.0	12.6	13.4	-10.9%	6.5%
SF_6	0.4	0.4	0.3	0.3	0.3	0.3	0.3	0.3	0.3	0.3	0.3	0.3	0.3	-30.1%	-3.2%
Other Halogentaed Gases	7.6	7.6	7.8	8.5	9.2	10.0	10.8	11.5	12.6	13.7	15.6	17.1	18.1	137.3%	6.3%
Total Gross Emissions	**466.3**	**481.2**	**480.3**	**483.1**	**492.9**	**485.1**	**482.5**	**489.2**	**487.1**	**458.4**	**453.1**	**450.9**	**458.7**	**-1.6%**	**1.7%**

* All greenhouse gases are weighted relative to CO_2 based on the IPCC's 4th Assessment Report.

Figures 3 illustrates the annual percent change in greenhouse gas emissions, where the maximum change occurred from 2008 to 2009 when the emissions decreased by almost 6 percent.

Figure 3. Annual Percent Change in California Greenhouse Gas Emissions

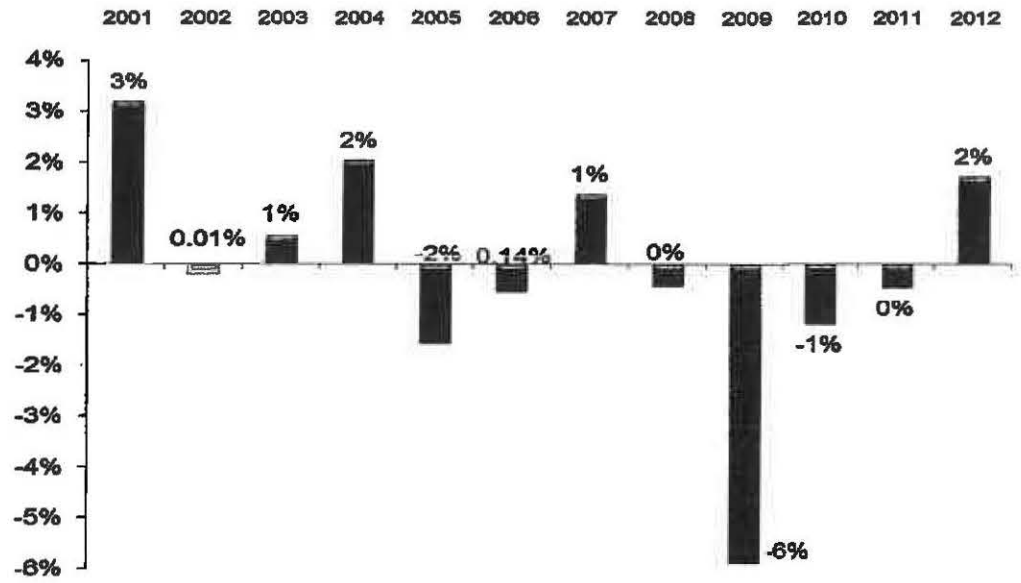


Figure 4 shows the cumulative change in emissions relative to the year 2000. absolute change in emissions from 2000 through 2012 cumulative effect of greenhouse gas emissions change from 2000 to 2012. The decline in the greenhouse gas emissions reversed from in 2012 for the first time since 2008.

Figure 4. Cumulative Change in California Greenhouse Gas emissions Relative to 2000

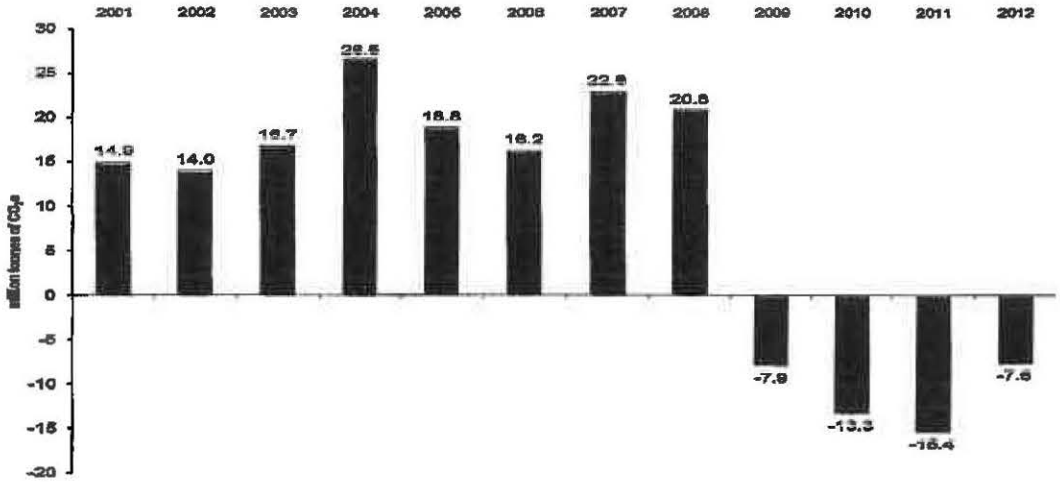
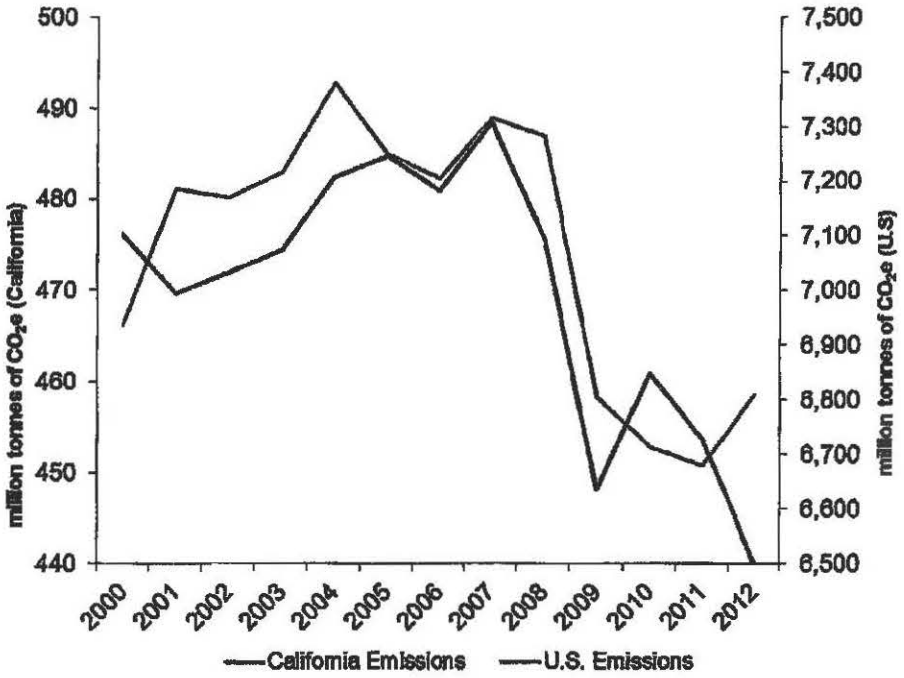


Figure 5 illustrates the trends in greenhouse gas emissions at the national and state level between 2000 and 2012. While the total emissions in 2012 increased by 5.9 percent from 1990 (431 $MMTCO_2e$), the emissions decreased by 5.9 percent from 2008 to 2009, the likely effect of the economic recession that began in late 2007. This decrease in emissions from 2008 to 2009 is also observed in the national emissions, a 7.2 percent decline from 2008 to 2009. From 2010 to 2012, the national emissions and the California emissions exhibit opposite trends. However, it is important to note that California emissions are based on the AR4, while national emissions are based on the SAR.

Figure 5. Recent Trends in Greenhouse Gas Emissions (U.S. and California)



Source: U.S emissions from Inventory of U.S. Greenhouse Gas Emissions and Sinks: 1990-2012 (U.S.EPA, 2014)
Note: CA emissions are based on AR4 while US emissions are based on SAR.

Table 2 summarizes the emissions from these economic sectors in the California inventory in $MMTCO_2e$. The table also presents the percent change in emissions for each of the sectors between 2000 and 2012. The percent changes in the emissions from 2011 to 2012 are also included. Table 3 presents the same 2000 to 2012 emissions by scoping plan categories.

Table 2. Recent Trends in California Greenhouse Gas Emissions by Inventory Economic Sectors

Sector	GHG Emissions ($MMTCO_2e$)[1]													% of Total Emissions in 2012	Percent Change	
	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012		2000-2012	2011-2012
Transportation	178.5	178.9	186.1	186.0	189.5	192.0	192.1	192.3	181.3	174.9	174.0	171.7	171.0	37.3%	-4%	0%
Industrial	103.3	101.5	101.6	101.2	103.3	101.5	99.7	96.7	97.5	95.2	99.3	99.7	100.7	21.9%	-3%	1%
Electricity Generation (in-state)	59.2	63.2	49.9	48.3	49.4	45.3	50.1	54.3	54.5	53.4	46.9	41.3	51.2	11.2%	-14%	24%
Electricity Generation (imports)	46.0	59.1	59.1	64.7	66.1	62.9	54.8	59.9	65.9	48.1	43.7	46.9	44.1	9.6%	-4%	-6%
Agriculture	32.5	32.8	36.0	36.5	36.3	36.5	37.8	37.0	38.0	35.8	35.7	36.3	37.9	8.3%	16%	4%
Residential	31.8	30.8	30.9	30.4	31.5	30.2	30.6	30.8	31.2	31.0	32.1	33.0	31.6	6.9%	-1%	-4%
Commercial	14.6	14.6	16.6	15.8	16.5	16.6	17.3	17.9	18.5	19.8	21.1	21.8	22.0	4.8%	51%	1%
Unspecified[2]	0.4	0.3	0.2	0.3	0.2	0.2	0.2	0.2	0.2	0.2	0.2	0.2	0.2	0.0%	-43%	0%
Total Gross Emissions[3]	**466.3**	**481.2**	**480.3**	**483.1**	**492.9**	**485.1**	**482.5**	**489.2**	**487.1**	**458.4**	**453.1**	**450.9**	**458.7**	**100.0%**	**-1.6%**	**1.7%**

[1] All greenhouse gases are weighted relative to CO_2 based on the IPCC's 4th Assessment Report.
[2] Unspecified includes emissions from evaporative losses, which could not be attributed to an individual sector.
[3] The sector emissions may not add up exactly to the above listed gross and net total emissions due to rounding.

Table 3. Recent Trends in California Greenhouse Gas Emissions by Scoping Plan Categories

Sector	GHG Emissions ($MMTCO_2e$)[1]													% of Total Emissions in 2012	Percent Change	
	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012		2000-2012	2011-2012
Transportation	176.2	176.6	183.8	183.5	186.9	189.1	189.2	189.3	178.0	171.5	170.5	168.1	167.4	36.5%	-5.0%	-0.4%
Industrial	95.0	93.2	93.1	92.5	94.5	92.3	90.3	87.1	87.5	84.9	88.5	88.3	89.2	19.4%	-6.2%	0.9%
Electric Power (In-state)	59.0	63.0	49.7	48.1	49.2	45.1	49.9	54.1	54.3	53.3	46.7	41.2	51.0	11.1%	-13.5%	23.9%
Electric Power (Imports)	45.9	59.0	59.0	64.6	66.0	62.8	54.7	59.8	65.8	48.0	43.6	46.9	44.1	9.6%	-4.0%	-6.0%
Commercial and Residential	42.3	41.2	43.2	41.5	42.9	41.2	41.9	42.1	42.4	42.7	43.8	44.3	42.3	9.2%	-0.1%	-4.6%
Agriculture	32.5	32.8	36.0	36.5	36.3	36.5	37.8	37.0	38.0	35.8	35.7	36.3	37.9	8.3%	16.4%	4.2%
High GWP	8.0	8.0	8.1	8.8	9.6	10.4	11.1	11.8	12.9	14.0	15.9	17.3	18.4	4.0%	129%	6.1%
Recycling and Waste	7.2	7.4	7.3	7.4	7.4	7.6	7.7	7.8	7.9	8.1	8.2	8.2	8.3	1.9%	15.5%	0.9%
Total Gross Emissions[3]	**466.3**	**481.2**	**480.3**	**483.1**	**492.9**	**485.1**	**482.5**	**489.2**	**487.1**	**458.4**	**453.1**	**450.9**	**458.7**	**100%**	**-1.6%**	**1.7%**

[1] All greenhouse gases are weighted relative to CO_2 based on the IPCC's 4th Assessment Report.
[2] Unspecified includes emissions from evaporative losses, which could not be attributed to an individual sector.
[3] The sector emissions may not add up exactly to the above listed gross and net total emissions due to rounding.

Figures 6 shows the trend in emissions and Figure 7 shows the percent contribution of each inventory economic sector to the total emissions from 2000 through 2012.

Figure 6. Greenhouse Gas Emission Trends by Economic Sector

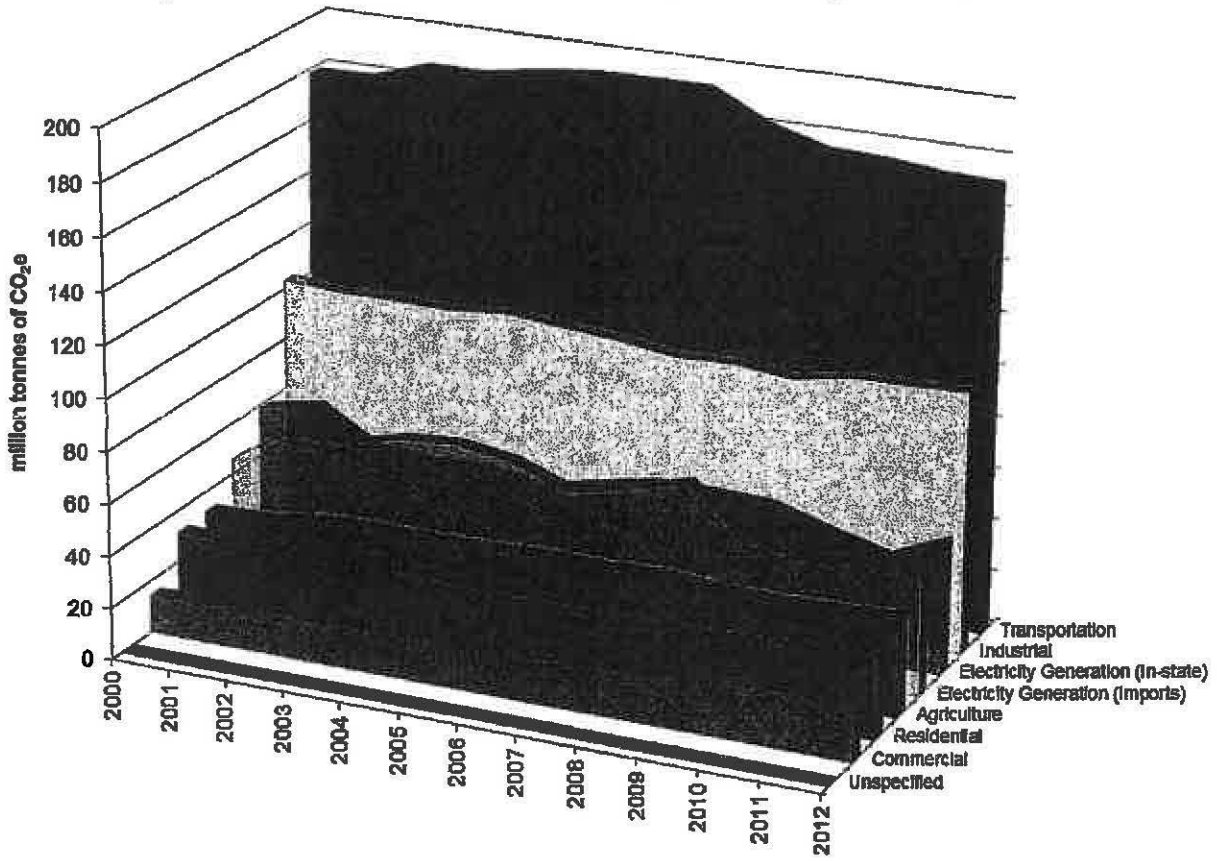
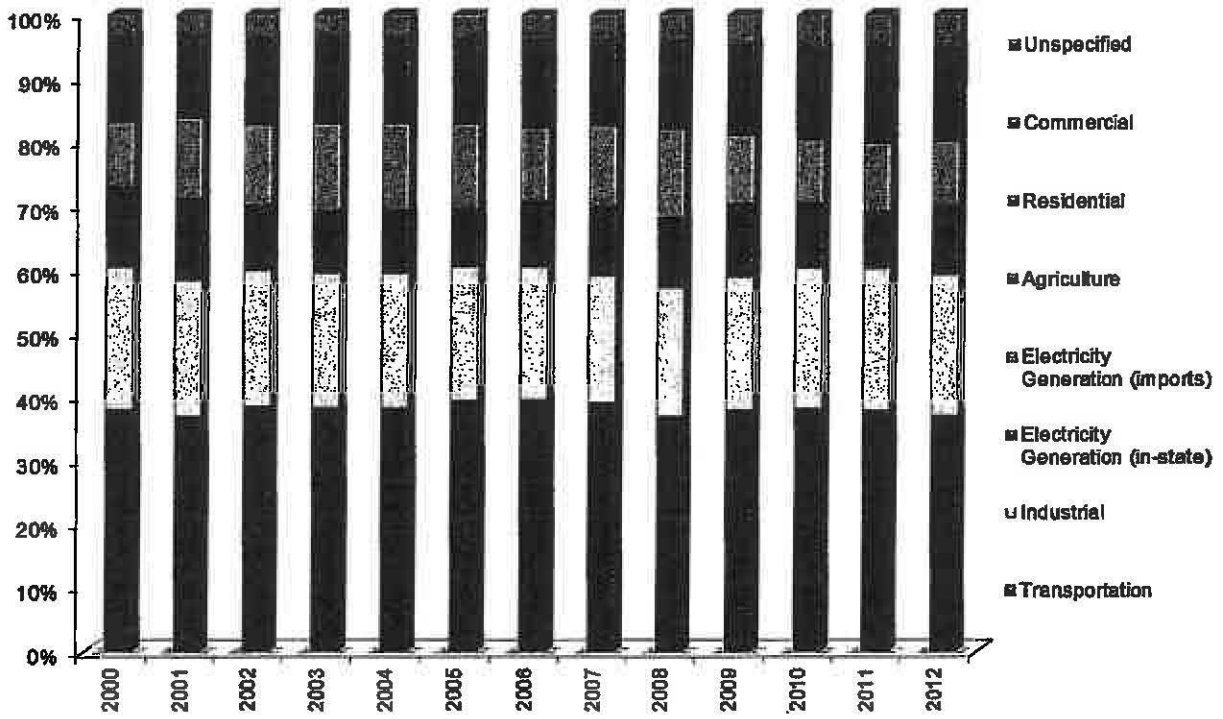


Figure 7. Contribution of Economic Sectors to Greenhouse Gas Emissions



Transportation was the major emitter of greenhouse gases in both 2000 and 2012, producing 171 $MMTCO_2e$ in 2012. The industrial sector was the next largest greenhouse gas contributor, emitting approximately 100 $MMTCO_2e$ in 2012.

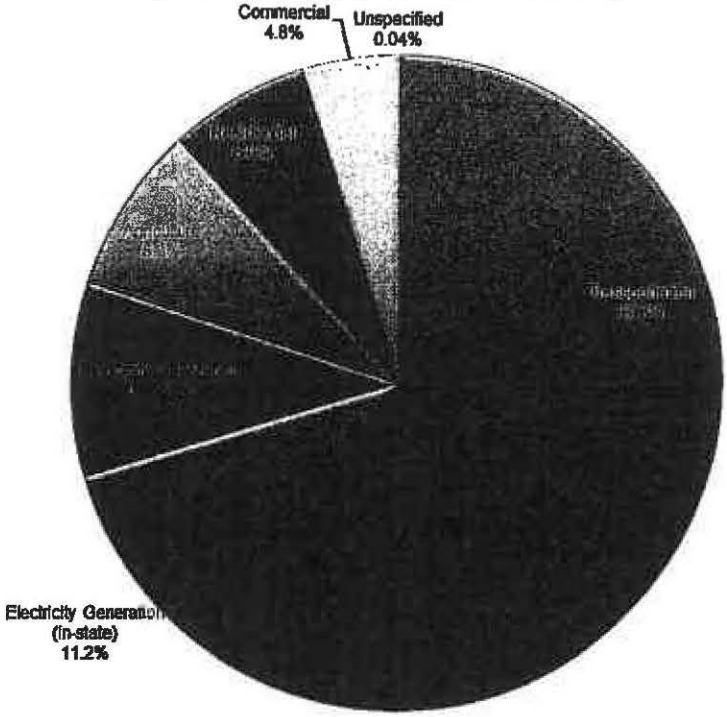
Emissions by Economic Sectors

This section presents the greenhouse gas emissions by the California inventory economic sectors: agriculture, commercial, electricity generation, industry, residential, transportation and unspecified.

Figure 8 displays the sectoral contribution to the total 2012 gross emissions, with transportation at more than 36 percent of statewide emissions thus making it the largest contributor to the total statewide emissions. Emissions from industrial sector, the second largest, accounted for 22 percent of the total emissions. Electricity generation accounted for approximately 21 percent of the total in 2012, with 11 percent in state generation. These three sectors accounted for approximately 80 percent of the statewide greenhouse gas emissions in 2012. Emissions from agriculture (8.3 percent), residential (6.9

percent), and commercial (4.9 percent) sectors accounted for approximately 20 percent of the total.

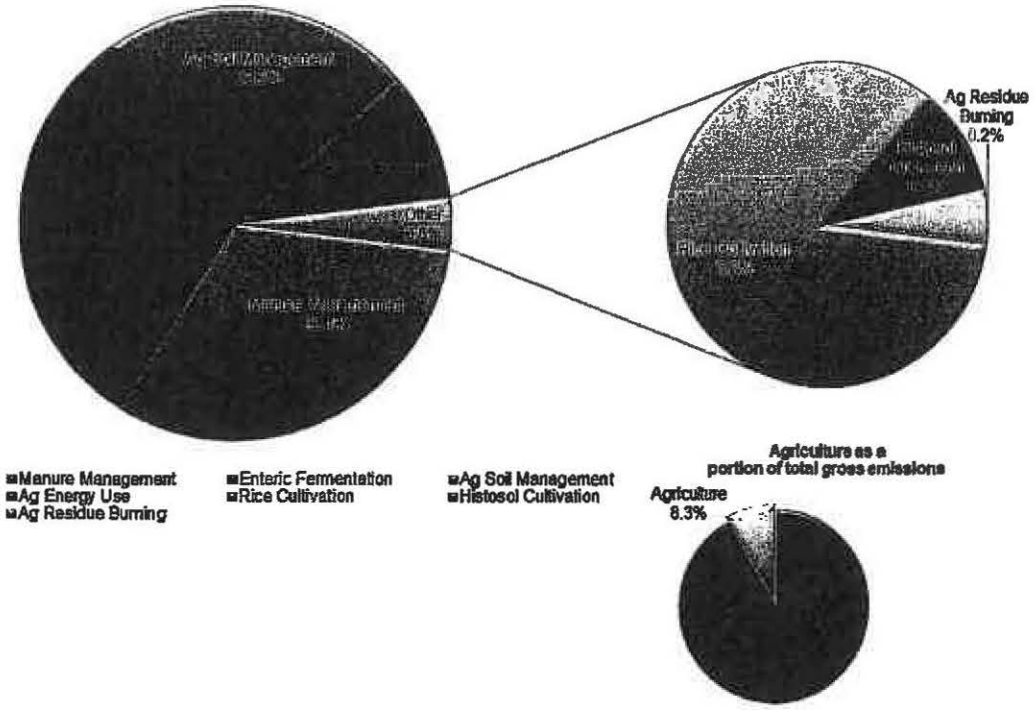
Figure 8. 2012 Greenhouse Gas Emissions by Economic Sector
(459 $MMTCO_2e$ Gross Emissions)



The majority of statewide greenhouse gas emissions were tied to fuel use activities, ranging from transportation to electricity generation to heating buildings. Emissions from fuel combustion comprised 72 percent of overall statewide greenhouse gas emissions in 2012. Primary fuels combusted include natural gas, which was used mainly for in-state electricity generation, residential and industrial uses, and gasoline, which was consumed almost entirely by the transportation sector. Detailed breakdown of the emissions from each of the economic sectors and their relative contribution to the total emissions is discussed in the following sections.

Agriculture: Emissions from agricultural activities were responsible for emissions of 37.9 $MMTCO_2e$, approximately 8.3 percent of total statewide greenhouse gas emissions in 2012. Agricultural emissions represent the sum of emissions from agricultural energy use, agricultural residue burning, agricultural soil management (the practice of utilizing fertilizers, soil amendments, and irrigation to optimize crop yield), enteric fermentation (fermentation that takes place in the digestive system of animals, e.g. cows and sheep), histosol (soils that are composed mainly of organic matter) cultivation, manure management and rice cultivation

Figure 9. 2012 Greenhouse Gas Emissions from Agriculture (38 MMTCO$_2$e Gross Emissions)



The contribution of the categories that contributed towards the 2012 agricultural greenhouse gas emissions is shown in Figure 9. Unlike other economic sectors, N_2O emissions from agricultural soil management and CH_4 emissions from enteric fermentation and manure management contributed towards most of the agricultural sector emissions. The majority of the emission contributions (86 percent) are due to manure management (32 percent), enteric fermentation (31 percent) and agricultural soil management (23 percent). The remaining 14 percent of the agricultural emissions was dominated by emissions from agriculture energy use category (10 percent).

Figure 10. Greenhouse Gas Emission Trends for Agriculture

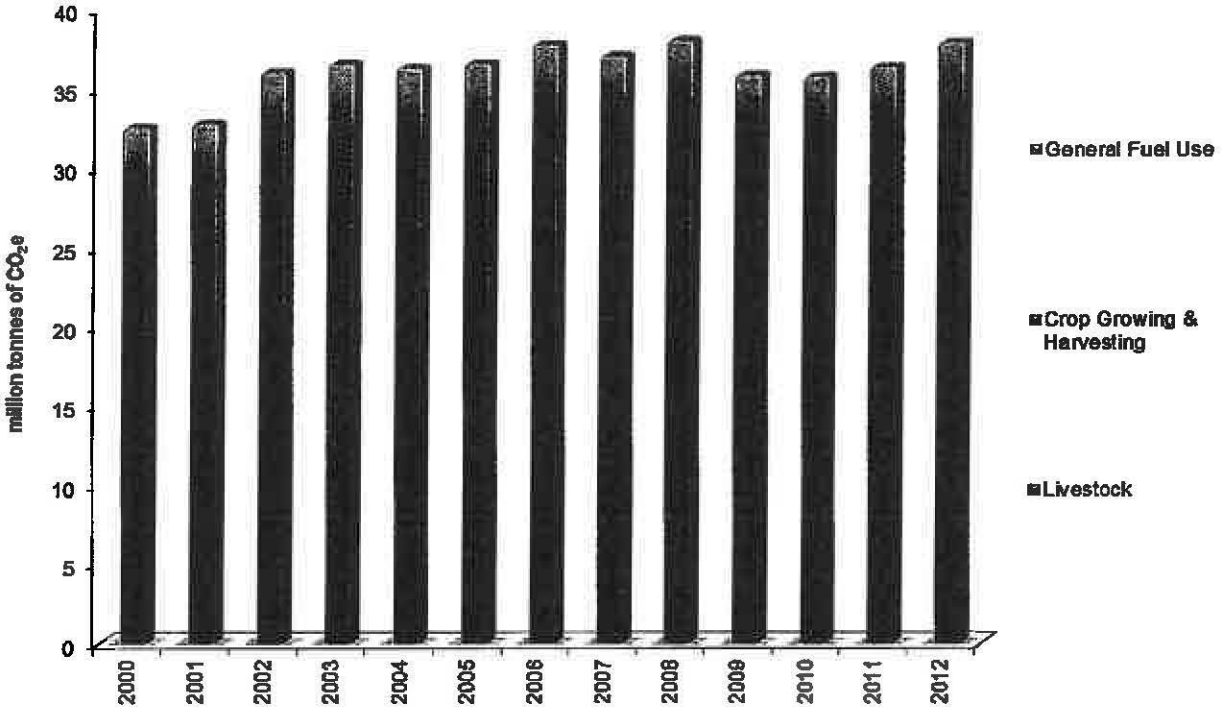
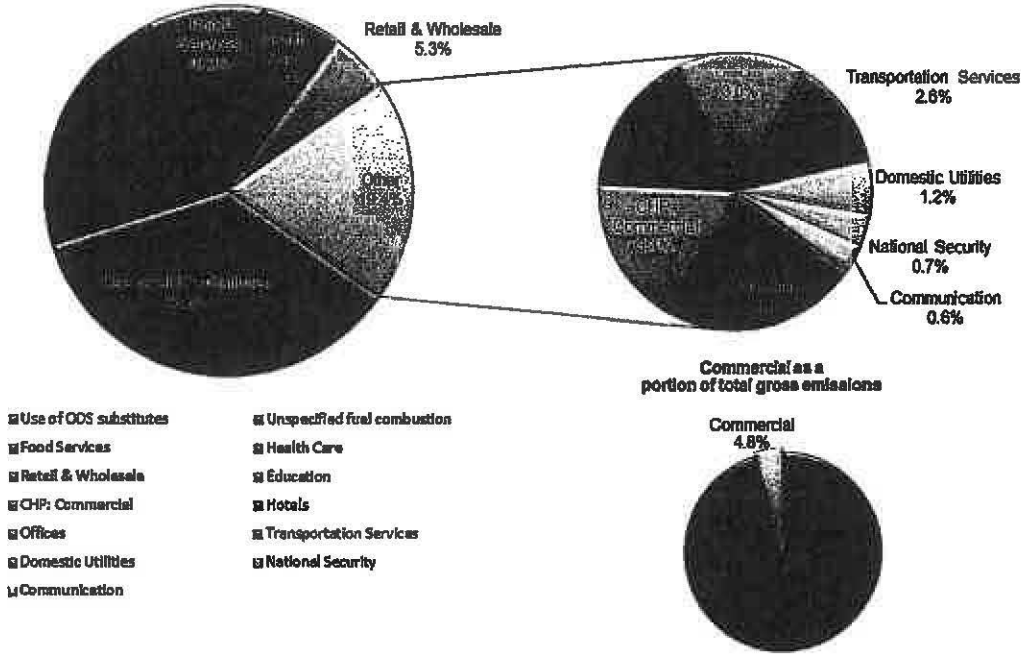


Figure 10 shows the trend in the emissions from each of these categories from 2000 through 2012. The agriculture sector increased its emissions from 32 $MMTCO_2e$ in 2000 to 38 $MMTCO_2e$ in 2012, a 16 percent increase. Agricultural fuel use was the only category that decreased their greenhouse gas emission from 2000 to 2012. Agricultural energy use decreased by 3 percent from 2000 to 2012, while manure management increased 29 percent during the same period.

Commercial: The commercial sector accounted for approximately 4.8 percent of the total statewide emissions in 2012. Greenhouse gas emissions from the commercial sector increased from 14.6 $MMTCO_2e$ in 2000 to 22 $MMTCO_2e$ in 2012. Commercial sector emissions grew approximately 51 percent from 2000 to 2012 and, approximately 1 percent from 2011 to 2012. The commercial sector in this version of the inventory includes the emissions from the substitutes for the ozone depleting substances (ODS).

Figure 11. 2012 Greenhouse Gas Emissions from Commercial
(22 MMTCO$_2$e Gross Emissions)

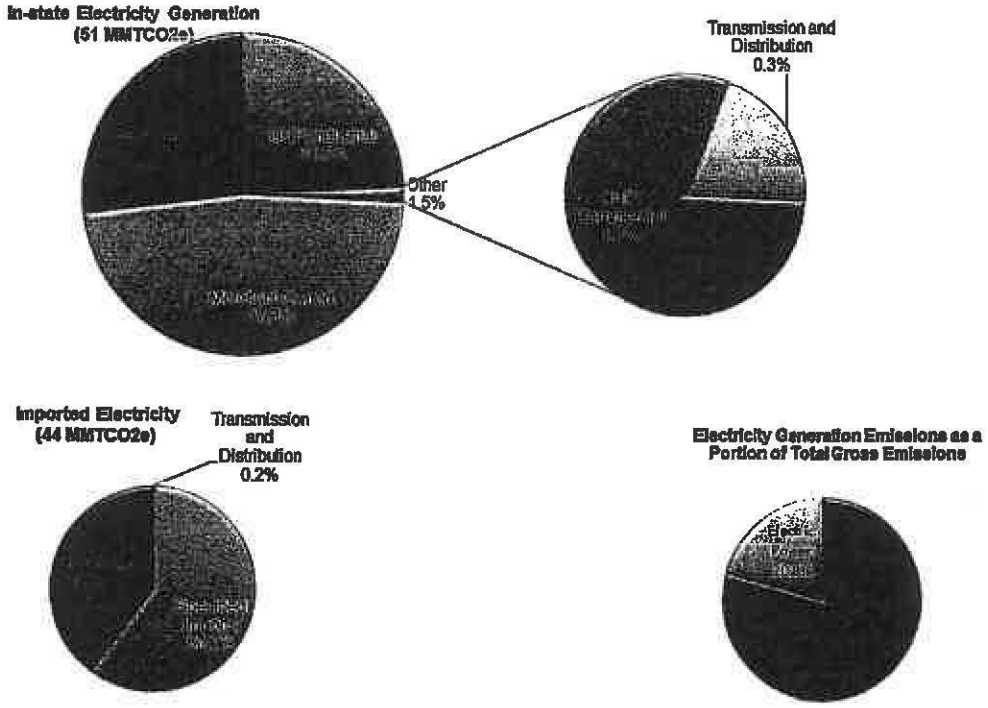


The emission contributions from the commercial sector are from commercial CHP, domestic utilities, education, food services, health care, hotels, national security, offices, retail and wholesale, transportation services, and unspecified sources. The sector includes fuel combustion for all commercial activities such as heating buildings, hot water and steam, and energy for natural gas transmission through pipelines. The primary fuel combusted was natural gas. Approximately 22 percent of the total emissions from this sector are due to natural gas combustion.

The percent contributions of each of these categories to the total 2012 emissions for this sector are shown in Figure 11. The largest contributor to emissions from the commercial sector was the use of ODS substitutes (36 percent). The second largest contributor in the commercial sector was the unspecified combustion of fuels (22 percent). Food services (10 percent) and healthcare (7 percent) were next two major contributors in this sector.

Electricity Generation: Electricity generation, transmission, and distribution accounted for 21 percent of total statewide greenhouse gas emissions in 2012. This sector was the third highest emitting sector in 2012, emitting 95 $MMTCO_2e$ that year. This sector includes power plants and cogenerators that generate electricity for on-site use and for sale to the power grid. This sector specifically includes greenhouse gas emissions from both in-state generated power and imported generation of electricity delivered to and consumed in California. Emissions from transmission line losses of electricity, as well as SF_6 emissions from transmission equipment, are also included. Figures 12 and 13 show the contribution of electricity generation sector to the total emissions and the trends in the emissions.

Figure 12. 2012 Greenhouse Gas Emissions from Electricity Generation (95 $MMTCO_2e$ Gross Emissions)

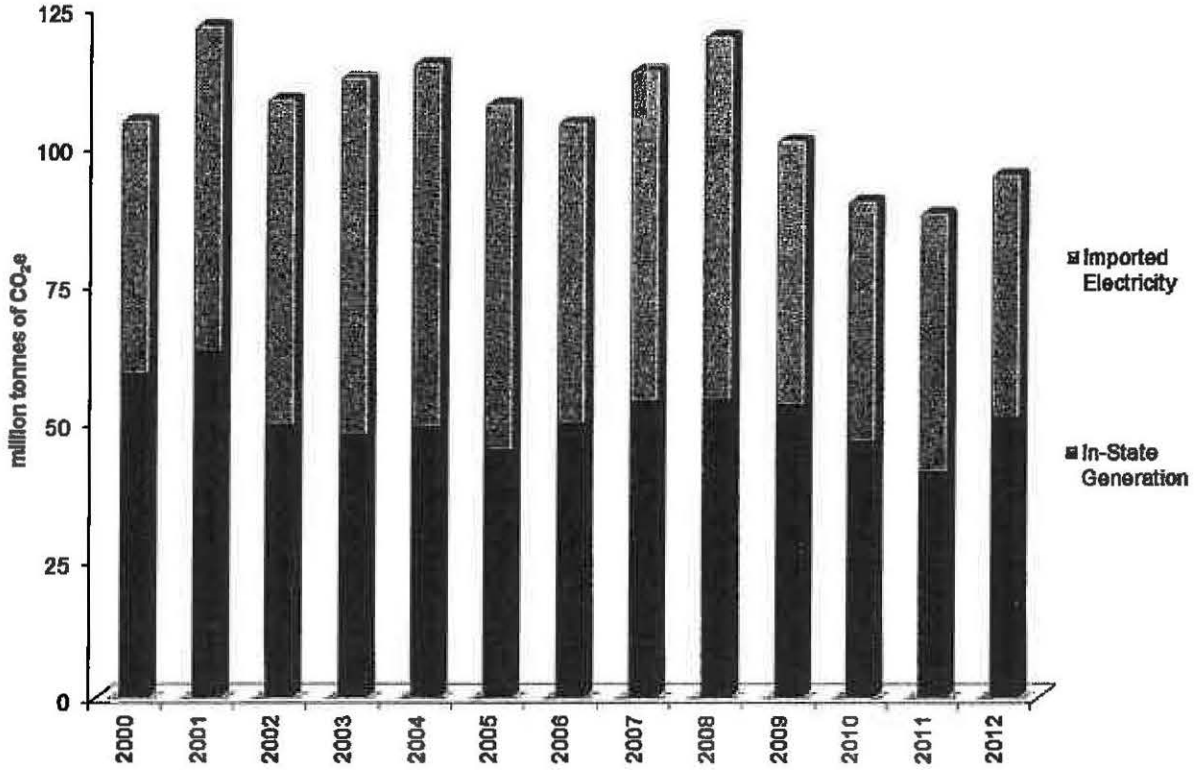


Electricity Generation (imports): The contributions from imported electricity generation are from specified imports (60 percent), unspecified Imports (40 percent) and transmission and distribution (< 1 percent).

Electricity Generation (in-state): Contributions from in-state electricity generation are from categories such as CHP commercial, CHP industrial, merchant owned (privately owned power plant), transmission and distribution, and utility owned (investor-owned power plant). The percent contributions from each of these categories to the total 2011 emissions from this sector are shown in Figure 12.

The merchant owned (47 percent) and CHP industrial (27 percent) contribute most to the in-state electricity generation emissions.

Figure 13. Greenhouse Gas Emission Trends from Electricity Generation



Industrial: Industrial sector includes contributions from CHP industrial, landfills[1], manufacturing, mining, oil and gas extraction, petroleum refining, petroleum marketing, pipelines, wastewater treatment, and other sources. The percent contributions from each of these categories to the 2012 total emissions from this sector are shown in Figure 14. Major contributors from this sector are petroleum refining (30 percent), manufacturing including cement plants (25 percent), oil and gas extraction (17 percent), CHP (11 percent), and landfills (8 percent). Approximately 90 percent of the total emissions from this sector can be attributed to these major categories. For the petroleum refining category, the combustion of fuels is the main source of emissions. Within manufacturing, fuel combustion and clinker production from cement processing are two of the largest sources. Landfills, wastewater treatment, and solid waste treatment, while serving an important societal function, account for only 9 percent of the total emissions from this sector.

[1] Landfill emissions are primarily due to the release of CH_4 (anaerobic decomposition). Carbon dioxide from paper/wood decomposition and from the combustion of landfill gas is included in the flux (See the Technical Support Document for more details).

Figure 14. 2012 Greenhouse Gas Emissions from Industry
(101 MMTCO$_2$e Gross Emissions)

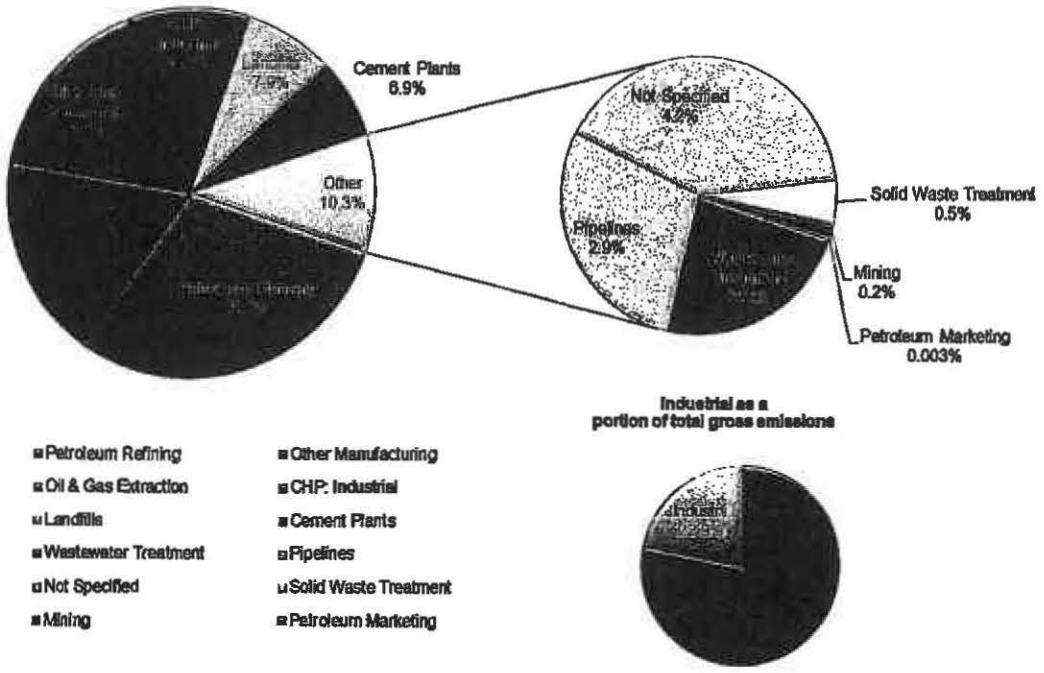
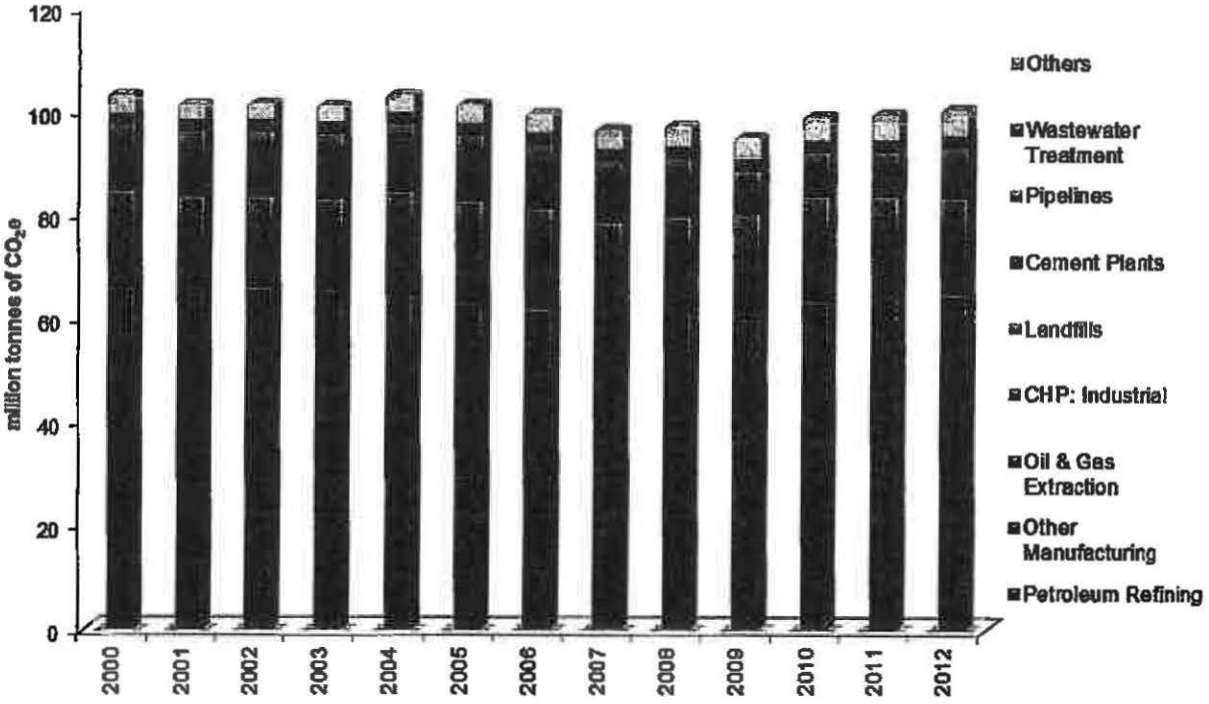


Figure 15. Greenhouse Gas Emission Trends from Industry

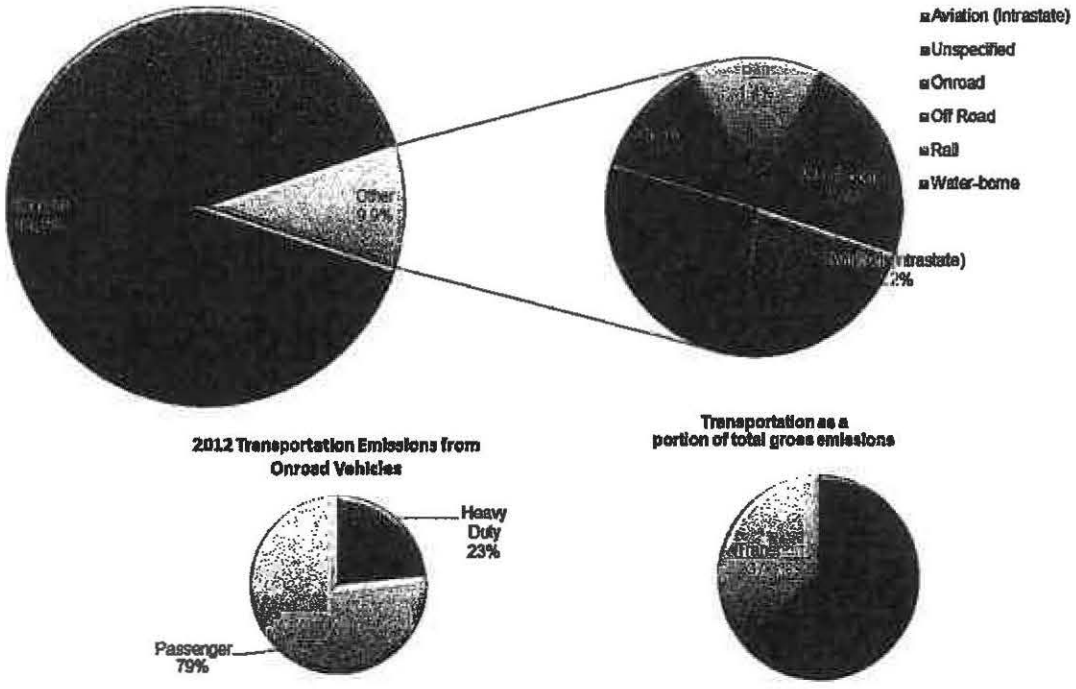


Overall, emissions from industrial sector were 103 $MMTCO_2e$ in 2000 and 101 $MMTCO_2e$ in 2012. The emissions decreased to 95 $MMTCO_2e$ in 2009 mainly due to the decrease in demand for cement.

Residential: The residential sector accounted for 6.9 percent of the total emissions in 2012, and primarily consisted of CO_2 emissions from fossil fuel combustion. Residential emissions are related to the use of fuel for general household needs. Approximately 99 percent of the fuel related emissions are from the burning of natural gas and LPG, with the majority attributed to the burning of natural gas. Emissions from residential fuel use increased from 31.6 $MMTCO_2e$ in 2000 to 32.7 in 2011.

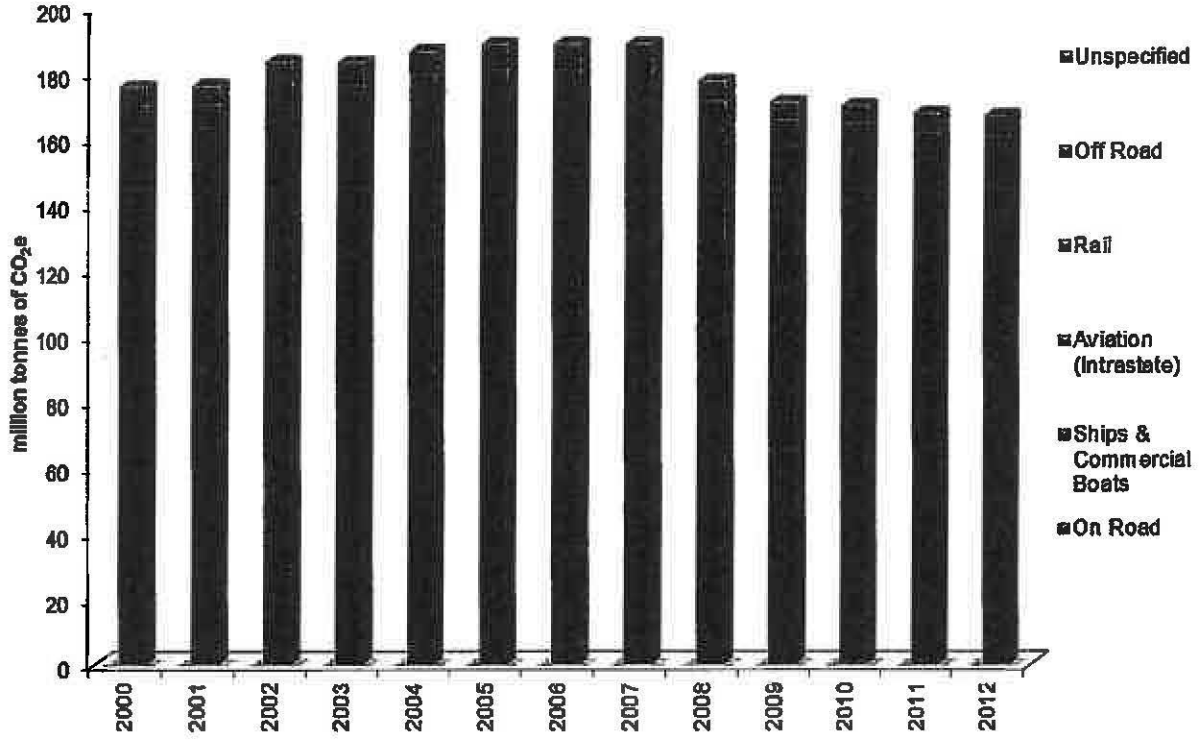
Transportation: Transportation activities accounted for 37.3 percent of the statewide greenhouse gas emissions in 2012. Contributions from the transportation sector include emissions from aviation, on-road, off-road, rail and water-borne and other unspecified sources. Emissions from military transportation activities are not included in the inventory total for the State. The percent contributions from each of these categories to the total emissions from this sector are shown in Figure 16 for 2012.

Figure 16. 2012 Greenhouse Gas Emissions from Transportation
(171 $MMTCO_2e$ Gross Emissions)



An overwhelmingly large majority of emissions from this sector is due to on-road transportation (90 percent). The on-road category also accounts for more than 33 percent of the statewide 2012 greenhouse gas emissions. Of the on-road vehicles, light duty passenger vehicles accounted for approximately 69 percent of the total sector emissions in 2012. Figure 17 shows the trend in emissions for this sector from 2000 through 2012. Transportation emissions showed a marked decline since 2007 (from a high of 192 $MMTCO_2e$ in 2007 to 171 $MMTCO_2e$ in 2012).

Figure 17. Greenhouse Gas Emission Trends from Transportation



Summed together, the above sectors along with the unspecified emissions in the inventory not attributed to any sector, equal the total emissions accounted for in the California inventory. Unspecified emissions include emissions from evaporative losses, which could not be attributed to a specific economic sector. In the previous version of the inventory, emissions from the use of ODS substitutes was categorized in the unspecified emissions. However, in this version, those emissions are attributed to individual sectors. The ODS substitute category includes hydrofluorocarbon (HFC) and perfluorocarbon (PFC) emissions, which are substitutes to chlorofluorocarbons (CFCs), compounds that were phased out under the Montreal Protocol due to their ozone depleting ability.

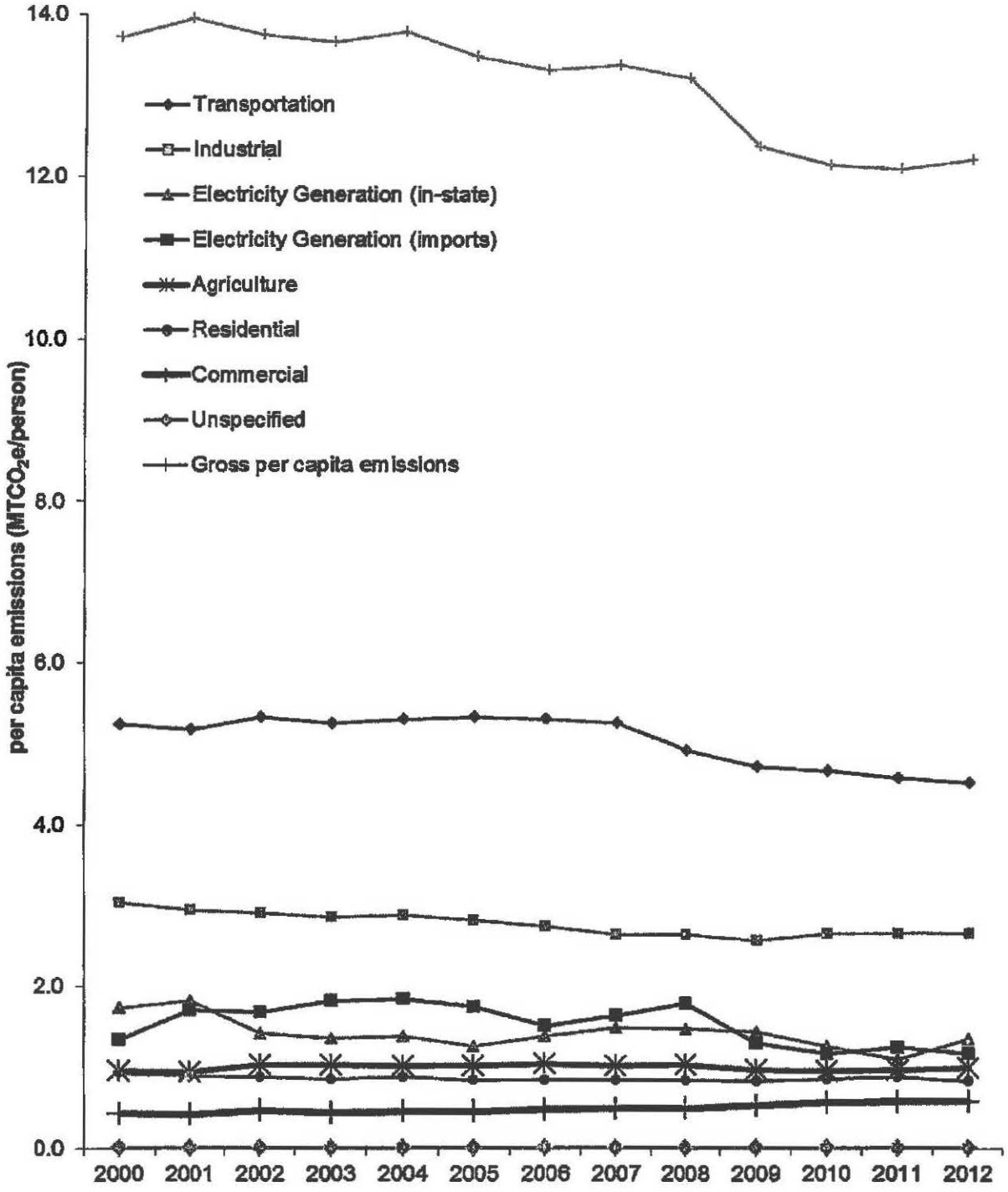
This sector-specific methodology (except for electricity imports and internationally-flagged shipping) generally reflects the reporting methods used by the U.S.EPA and the IPCC.

Per Capita Emissions

For the year 2012, California has a gross per capita emissions of 12.2 $MTCO_2e$ per person (Figure 18). This represents a 12 percent reduction from the 13.7 $MTCO_2e$ per person in 2000 (Figure 18). The population increased by 11.4 percent during the same period.

Per capita emissions from industrial, transportation, and electricity generation (in-state) have decreased from 2000 to 2012, with a 22 percent decrease in the 2012 in-state electricity generation per capita emissions from 2000. The per capita comparison is a useful metric for emissions evaluation because it shows that emissions have not grown consistently with population, indicating that energy conservation may have led to significant emission reductions.

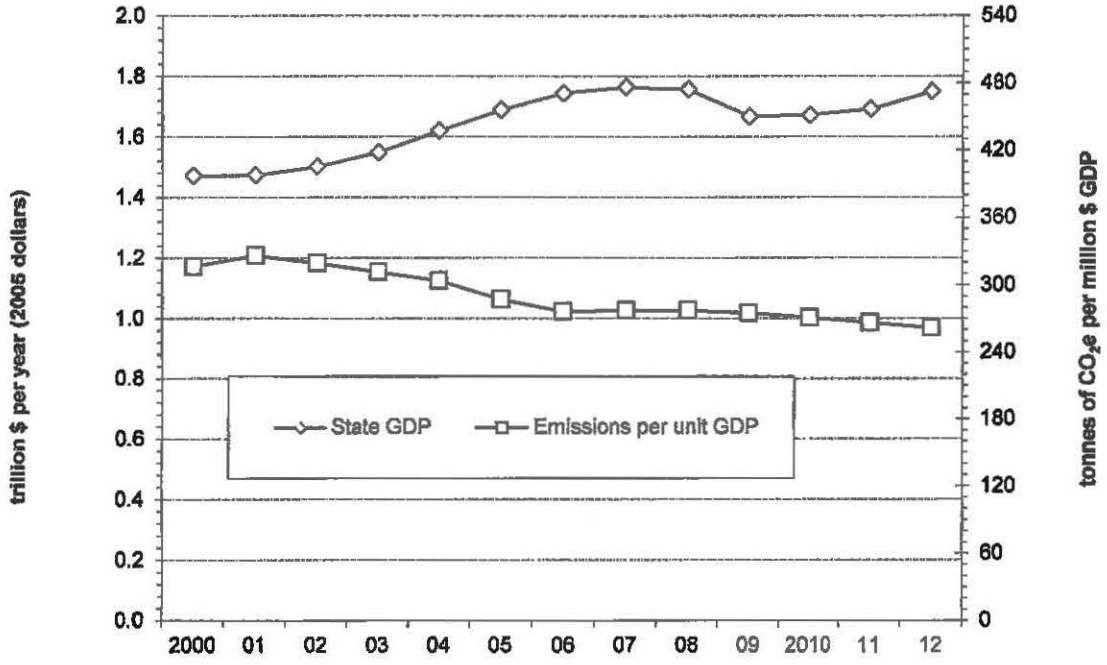
Figure 18. 2012 Greenhouse Gas Emissions per Capita



Carbon Intensity of California Economy - Gross Domestic Product

California's Gross Domestic Product (GDP) increased from $1.47 trillion in 2000 to $1.75 trillion in 2012 (in 2005 dollars)(DoF, 2014). While California's economy has continued to grow, the "carbon intensity" of the economy, the amount of carbon emissions related to the state's overall economy (tonnes CO_2/ GDP$), has continually declined since 2001. The carbon intensity of California's economy has decreased from 316.6 tonnes CO_2e per million dollars in 2000 to 261.9 tonnes per million dollars in 2012. That equates to a 17 percent decrease and California ranks as the 46th lowest state in the nation in terms of carbon intensity.

Carbon Intensity of California's economy



V. Broader Perspective of California Greenhouse Gas Emissions

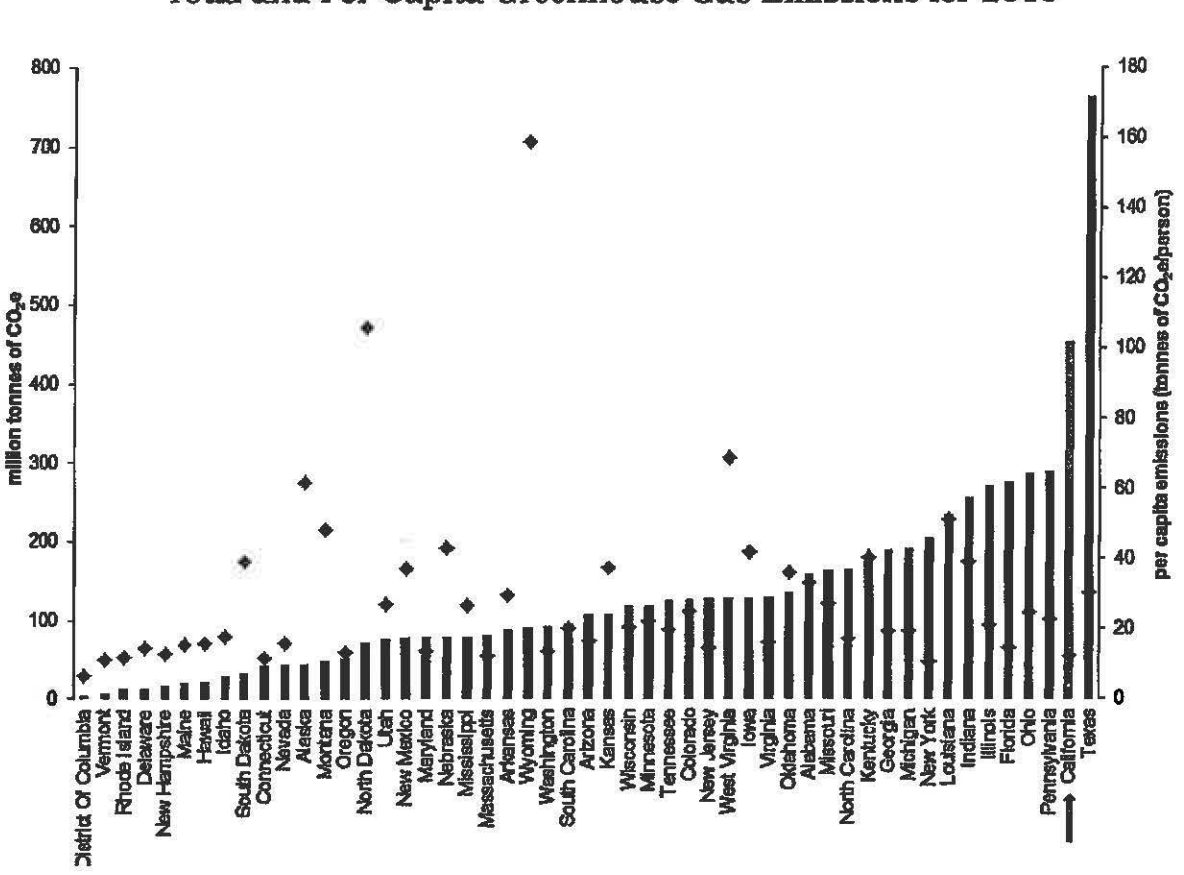
To get a broader perspective of California GHG emissions, it's interesting to compare with other states and nations GHG emissions. Even though the California inventory was designed to facilitate comparability with other nations and states, often the international emissions data is incomplete or of a different time. For this reason, this section uses data from the World Resources Institute (WRI) Climate Analysis Indicators Tool (CAIT) for comparing California's inventory to other states in the United States and other countries around the world (WRI, 2014). CAIT2.0 includes greenhouse gas emissions data for the period 1990-2010. The data include the six major greenhouse gases from most major sources and sinks for over 185 countries as well as state-level data for all 50 U.S. states and the District of Columbia.

California and Other States

The 2010 greenhouse gas emissions data from CAIT 2.0 (WRI, 2014) was the latest available and hence used to compare 2010 emissions from California with emissions from other states in the United States. The data for California emissions for year 2010 was based on the 2000-2012 statewide inventory. The data for all other states was from the WRI CAIT 2.0 tool.

Figure 19 shows the total and per capita greenhouse gas emissions for 2010 for all the states in the country (WRI, 2014). In 2010, California accounted for 6.8 percent of all emissions in the country and ranked second highest among the states with total emissions of 453 $MMTCO_2e$, only behind Texas with 763 $MMTCO_2e$. From a per capita standpoint, California has the 45th lowest emissions with 12.1 $MTCO_2e$/person in 2010.

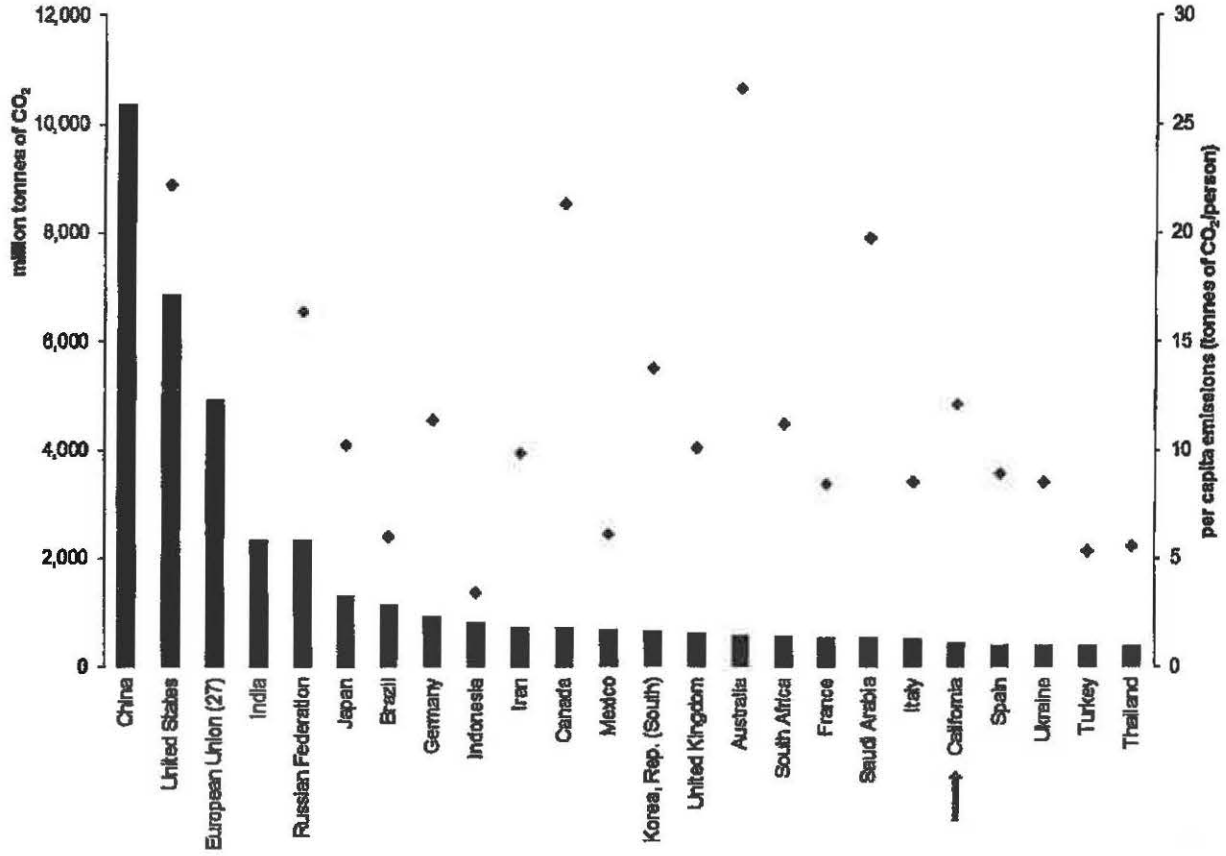
Figure 19. Total (bars) and Per Capita (markers) California and Other States Greenhouse Gas Emissions (CAIT-U.S. v4.0)



California and the Rest of the World

California has substantial greenhouse gas emissions when compared with the nations of the world. CAIT was used to compare 2010 California emissions against 2010 emissions from countries of the world, including the United States (WRI, 2014). A comparison of 2010 total and per capita greenhouse gas emissions as obtained from CAIT for California and the rest of the world is shown in Figure 20.

Figure 20. Total (bars) and Per Capita (markers) California and Other States Greenhouse Gas Emissions (CAIT-U.S. v4.0)
Total and Per Capita CO_2 Emissions for 2010



If California were considered as an independent state, on a global platform in 2010, California would have ranked the 20th highest in CO_2 emissions worldwide. On a per capita emissions basis, California would have ranked 38th in the world with 12.1 $MTCO_2e$/person in 2010, behind United States (including California) at rank 16 with 22.2 $MTCO_2e$/person. Kuwait had the highest per capita emissions at 71.8 $MTCO_2e$/person. The top 10 emitters (individual nations, excluding data for European Union) accounted for a large part of the total global greenhouse gas emissions in 2010 (approximately 70 percent).

VI. Ongoing Work

ARB staff routinely evaluates the methodology used to develop the emissions estimates used in the inventory. In addition, data from a variety of sources are reviewed and compiled for use in updating the inventory each year. ARB regularly releases updated emission inventory data, summary reports, and technical support documents that detail the emission inventory for public use It is anticipated that ARB staff will continue to release updates in the future. All reports are available on ARB's greenhouse gas emission inventory webpage.

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Appendix A

2012 Statewide Greenhouse Gas Inventory Emission estimation methodology changes from year 2011:

Inventory-wide change:

- Year 2012 inventory is based on GWP values from IPCC's AR4. Year 2011 GHG inventory was based on the GWP values from the IPCC's second assessment report (SAR).

Sectoral changes are listed below:

Transportation:

- Aviation gasoline data source changed from EIA to BOE.
- On road "gasoline" gallons sold (i.e. gasoline + ethanol) changed slightly due to updates BOE made to the data series back to 2004.
- New methodology uses MRR gasoline and ethanol gallons data to create a percentage mix, instead of using CEC's reported ethanol percentage mix.
- Most water-borne categories changed due to updates in the models on recession and longer term growth forecasts.

Electric Power:

- Combined Heat & Power (CHP) data for 2009-2012 were updated to reflect the same methodology used from 1990-2008, which is the EIA method. (MRR data for these years, produced aberrations in the trend).

Industrial:

- The small amount of Coal and Coke use not reported to MRR was finally determined not to exist (based on EIA data), and was eliminated.
- Off-road Gasoline use now uses MRR totals reconciled to BOE on-road amounts.

Commercial and Residential:

- No methodology changes from year 2011 to 2012.

Agriculture:

- An improved emission factor was derived for rice cultivation for years 2000-2012, in collaboration with USEPA.
- New categories: Dairy calves and beef calves (less than 6 months) have been added for completeness.

High GWP:

- No methodology changes from year 2011 to 2012.

Recycling and Waste:

- No methodology changes from year 2011 to 2012.

Note: For detailed changes related to each sector, please refer to the Technical Support Document 2000-2012.

ATTACHMENT D

PASSENGER CAR EQUIVALENTS FOR HEAVY VEHICLES IN WORK ZONES

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ABSTRACT

There are no PCE values developed for work zones. Consequently the PCE values of basic freeway section are borrowed despite the reservations about their applicability to WZ. This paper extended the delay-based methodology that was developed for intersections to work zones, and developed PCE values for heavy vehicles in work zones. Delay is used for defining the equivalence because it captures the effects of the heavy vehicles better than headway. Simulation was used to quantify the delays caused by the heavy vehicles so PCE values can be determined. Delay and consequently delay-based PCE (D-PCE) values are affected by the length of the work zone, the speed difference between cars and heavy vehicles, traffic volume, percentage trucks and other work zone factors. The D-PCE values computed when there is a 10 mph speed difference between cars and heavy vehicles ranged from 2.8 to 7.7. The D-PCE values decreased with increasing heavy vehicle percentage and increased with volume.

INTRODUCTION

Work zones have become the rule rather than the exception on highways today. About 20 percent of the U.S. National Highway System has been reported to be under construction during the peak summer road work season *(1)*. Work zones are a major contributor to the delay experienced by the motorists and are estimated to account for 889 million vehicle hours of delay which is nearly 24 percent of all non-recurring delay *(2)*. Another study *(3)* found that work zones contribute to 10% of the delay experienced in the entire United States and to 80 to 90% delay experienced in rural areas. Consequently managing traffic through work zones in a safe and efficient manner is a critical task that requires reliable and accurate information. Two important pieces of information for this task are the estimated values for capacity and delay. One of the key factors in capacity estimation is the passenger car equivalent (PCE) values used to convert heavy vehicles to equivalent number of cars. Heavy vehicles have adverse effects on work zone traffic flow and proper conversion of them to equivalent number of cars is a very important step in capacity calculation. It is estimated that about 36% of the rural interstate and 63% of urban interstate highway segments would carry more than 10,000 trucks per day by the year 2020 *(3)*. Consequently, accounting for the effects of heavy vehicles accurately becomes even more crucial.

There has been no published work on PCE of heavy vehicles in work zones. Due to this paucity of data, researchers *(4)* had to use the PCE values in Highway Capacity Manual 2000 *(5)* for basic freeway section despite being concerned about their applicability to WZ. Traffic flow in work zones is fundamentally different from basic freeway sections because of the influence of factors such as work activity, traffic control devices, speed control strategies, less than ideal geometric characteristics, fewer lanes for travel, speed difference between vehicle types, etc. All these can affect the speed and flow characteristics in WZ thus requiring developing capacity estimation techniques that are more appropriate for work zones.

In this paper we extended the delay-based methodology that was developed by Benekohal and Zhao *(6)* for intersections to work zones, and developed PCE values of heavy vehicles in work zones. First the approaches that were used to compute PCE in the past are summarized, followed by a discussion on which approach should be used. Following this the delay-based PCE methodology is presented and how it is used to compute the D-PCE values. This is followed by a discussion of how the D-PCE values are affected by traffic volume and truck percentage and how these values compare with the HCM values.

PAST APPROACHES TO COMPUTING PCE

The 1965 Highway Capacity Manual *(7)* first introduced the concept of Passenger Car Equivalent (PCE) and defined it as "The number of passenger cars displaced in traffic flow by a truck or a bus, under the prevailing roadway and traffic conditions." Since then several studies using different approaches have been performed to estimate PCE. In this section a brief summary of the prominent studies using the different approaches is presented.

Headways

The headway ratio method was pioneered by Greenshields *(8)*. The concept behind using the headways (time or space) is that headway is a measure of the space occupied by a vehicle. PCE is defined as the ratio of average. This is the most commonly used method for measuring PCE at signalized intersections. This method has also been used for basic freeway sections and rural highways *(9,10)* but by considering the space headways instead of time headways. When the headway approach is used, the effect of the heavy vehicle on only the vehicle that is immediately following it is being considered. Therefore, major deficiency of headway approach is that it does not take into account the additional delay caused to the entire traffic stream due to heavy vehicles in work zones. Molina *(11)* proposed a modified headway approach to computing PCE at signalized intersections. Unlike the headway approaches discussed above, this approach considers the increased headways of the vehicles queued behind the truck at the signalized intersection but does not consider the additional delays experienced by the queued vehicles.

Speed

Speed has been used as the measure of performance primarily for two-lane and multilane highways. For two-lane highways St.John *(12)* and St.John and Kobett *(13)* developed a nonlinear relationship for deriving PCE using mean speed as the measure of equivalence. Linzer et al *(14)* used operating speed as the parameter for multilane highways. Messer *(15)* used simulation to compute PCE on two-lane highways. TWOWAF, a simulation model was used for this study. Van Aerde and Yagar *(16)* developed PCE for two-lane highways based on the speed reduction potentials of different vehicle classes.

Density

Webster and Elefteriadou *(17)* used density for computing the PCE of trucks on basic freeway sections. FRESIM was used to generate the density data for the different scenarios. The method used to determine the PCE is based on a method developed by Sumner et al *(18)*.

Travel Time or Delay

Keller and Saklas *(19)* derived PCE for urban arterials using total travel time of the traffic stream as the parameter. PCE was defined as the ratio of total travel time of heavy vehicles to the travel time of passenger cars traveling through an urban network. Cunagin and Messer *(20)* used delay to compute the PCE for trucks on two-lane highways. Craus, Polus and Grinberg *(21)* also proposed a method to compute PCE for two-lane highways based on delay. They also considered the delay due to the opposing traffic stream. However, these formulations for PCE do not ensure that the mixed and the passenger car-only traffic stream have the same total delay. Benekohal and Zhao *(6)* presented a methodology for computing PCE at signalized intersections based on delay. The underlying concept is that both the mixed and equivalent passenger car-only stream

have the same total delay. Before this work the PCE for intersections was primarily based on headways. Although all the approaches discussed in this section use delay in computing PCE, only Benekohal and Zhao's approach results in same total delay for both the mixed stream and the equivalent passenger car only stream.

It should be noted that in work zones delay captures the effects of heavy vehicles better than any other factor. For example headway considers the effect of heavy vehicle only on the adjacent vehicle and not on all the vehicles that may be delayed if the heavy vehicle is traveling at a slower speed than cars. However when delay is considered the effect of heavy vehicle on all the cars is considered. Therefore a delay-based approach has been used to compute the PCE of heavy vehicles in work zones.

DELAY-BASED PASSENGER CAR EQUIVALENT (D-PCE) METHODOLOGY

The delay-based PCE used in this paper was first introduced by Benekohal and Zhao *(6)* for developing PCE for heavy vehicles at signalized intersections. In this research this concept is extended to the work zones. Delay-based PCE (D-PCE) is based on the concept that the additional delay caused by the presence of heavy vehicles is directly related to the capacity-reducing effect of the heavy vehicles in a work zone. The ratio of delay caused by a heavy vehicle to the delay of a car in an all passenger car traffic stream is defined as D-PCE. Mathematically D-PCE can be expressed as in equation (1)

$$D\_PCE_i = 1 + \frac{\Delta d_i}{d_0} \qquad (1)$$

Where

$D\text{-}PCE_i$: delay based PCE for a heavy vehicle type i,

Δd_i : the additional delay caused by a heavy vehicle of type i

d_0 : the average vehicle delay when the traffic is composed of all-passenger cars.

Since delay is the parameter of concern in work zones, Delay-based PCE ensures that the mixed traffic stream and the equivalent passenger car only stream have the same total delay. For example, if a caravan of 10 cars experiences a delay of 50 seconds the average delay experienced (d_0) is 5 sec/veh. However if a caravan consisted of 2 trucks and eight cars and the total delay experienced was 70 seconds, the average additional delay due to each truck is $\Delta d = (70-50)/2 = 10$ sec/truck. Thus the D-PCE computed is $1+10/5 = 3$. In other words, if each of the trucks were to be replaced by 3 cars to make a total of 14 cars the total delay would be $14*5 = 70$ sec for the traffic stream. This is the difference between D-PCE approach and other approaches which used delay to compute PCE in the past.

There are several factors that can influence delay in work zones and thus D-PCE values. The main influential factors are: traffic volume, truck percentage, length of work zones, speed difference between vehicle types, grade and length of grade, lane and shoulder widths, speed control strategies, number of travel lanes in work zone.

Considering the huge number of combinations that can arise from changing these factors, it is not possible to collect field data for all these conditions. Even if there were time and resources to collect the field data it is impossible to control in the field the variation of each factor in the combinations. Thus, practically it is impossible to collect a complete set of field data to develop D-PCE values.

Therefore simulation is used to compute the D-PCE values for heavy vehicles in work zones. VISSIM was validated using field data from work zones by the authors. The default VISSIM was found to result in a capacity of about 2000 pcphpl, which is reasonable and comparable to the capacities of work zones found in earlier research. Therefore VISSIM with default values of the car following parameters is used to generate the D-PCE values. How VISSIM was used to do this is discussed in the following section.

COMPUTING D-PCE USING VISSIM

Concept

In VISSIM *(31)*, input files are created according to the values of the different parameters. The general structure of the network created in VISSIM is that there are four links:

1. Upstream link: This link represents the regular basic freeway section.
2. Transition link: This link represents the stretch of freeway where the lane closure has not begun, but the speed limit is reduced to the work zone speed limit. This also includes the taper area.
3. Lane closure area: This link represents the actual lane closure area.
4. Exit link: This link represents the exit area where the drivers are back to the basic freeway section.

Vehicles are generated from the desired traffic volume and composition and fed to the upstream link. This link is sufficiently long (about 3 miles) to give the drivers the travel distance to adjust their car-following and speeds before they reach the transition link. It was also ensured that under high volume conditions the link can handle any queues that can propagate upstream of the lane closure. The desired speed distribution for all the vehicles is the same on the basic freeway section. A normal distribution with mean speed 5 mph over the speed limit (65 mph is used in this research) and a standard deviation of 5 mph is used for assigning the desired speeds of the drivers at entry in to the network.

For passenger cars, the desired speed distribution in the transition link and lane closure area is assumed to be normal distribution with mean 5 mph over the speed limit (55 mph speed limit in the work zone) and standard deviation of 5 mph. For the heavy vehicles also, normal distribution is used but with a mean speed that is less than the mean speed of cars. The difference in speeds between cars and trucks is one of the input parameters. It should be noted that, in all the scenarios, the heavy vehicle type used was tractor-trailer and work zone has only one lane open. Also in the basecase (only-passenger car) the capacity of the work zone was approximately 2000 pcphpl .

In order to determine the delay, first the travel times for different scenarios need to be estimated. Therefore, Travel Time sections feature of VISSIM was used to obtain the travel times of each vehicle. For each scenario 30 runs were performed and the average travel times of cars and trucks through the work zone were determined. It is also required to ensure that the error in the estimate of travel time is not significant. Otherwise the reliability of estimates of the D-PCE would be diminished. Therefore, the variance of travel times of both passenger cars and trucks is monitored to ensure that the error in travel time is less than 5%. It was observed that in none of the cases the error exceeded 1.5s. Therefore 30 runs were deemed to be sufficient. Having limited the error to 5% and determining the average travel times for cars and trucks in each scenario, D-PCE is computed using equation 1.

The travel time on the regular freeway is computed by using 70 mph as the average speed (5 mph over the speed limit). It should be noted that, the highest volume considered in this research is 2000 vph for one lane of work zone. On the regular freeway this translates to 1000 vphpl. According to HCM *(5)* the speeds on basic freeway section are unaffected by volume upto a level of about 1300 vphpl. Therefore this assumption of an average speed of 70 mph on the regular freeway is reasonable. This procedure is used to compute the D-PCE values for all the scenarios in this research.

D-PCE VALUES

Effect of Traffic Volume

Using the procedure described in the previous section D-PCE values were computed for various volume levels and truck percentage combinations for a given work zone length and speed difference between cars and trucks. Figure 2 shows variation of D-PCE with traffic volume and truck percentage when the speed difference between cars and trucks is 10mph. Each line in Figure 2 corresponds to a volume level ranging from 200vph to 1200 vph in increments of 200 vph and in increments of 100 vph from 1200 vph to 1700 vph. At every truck percentage, it can be seen that the D-PCE increases as the traffic volume increases. For a given truck percentage, as the traffic volume increases the probability of a car getting queued behind a truck increases. Therefore, it is expected that the D-PCE would increase as the volume increases.

Effect of Truck Percentage

It should be noted that at every volume level, as the truck percentage increases, the D-PCE decreases. When trucks are introduced in the traffic stream, they increase the delay experienced by the vehicles. Beyond a certain threshold, adding more trucks causes trucks to queue behind trucks and not so much the cars. Therefore, the marginal increase in delay to the traffic stream due to the addition of the trucks decreases. Consequently D-PCE decreases. These trends of D-PCE are in agreement with trends reported by previous research *(5,17)*.

From Figure 2 it can also be noted that the D-PCE values are shown for truck percentages from 5% to 45% up to a volume of 1200 vph only. Beyond that volume, the D-PCE values are shown only for a subset of the truck percentages. This is because at the high volume levels, when trucks are introduced into the traffic stream, the flow breaks down much before reaching the numerical value for the basecase capacity. In this case, it should be recalled that the basecase capacity is 2000 pcphpl. In other words, with the introduction of trucks traffic breakdown occurs at a lower volume level than 2000 vehicle per hour.

In the case of 1300 vph, the traffic breaks down at a truck percentage of about 35%. Beyond this point, there is congestion. D-PCE is not defined for cases which exceed the capacity of the work zone. This is because, it is not physically possible to process so many vehicles through the work zone and consequently there is no need to find a D-PCE for those cases. It is expected that as the traffic volume increases, the traffic flow breakdown would occur at lower truck percentages. This is also depicted in Figure 2. Beyond the volume increases beyond 1300 vph, the D-PCE values are shown for fewer truck percentages. In the case of 1800 vph, the breakdown happens at 5% trucks. Therefore, the D-PCE values corresponding to these volume levels are not defined.

Discussion on D-PCE Values

The D-PCE values for a 1 mile work zone with 10 mph speed difference ranged from 2.8 to 7.7. These values of D-PCE might seem to be unreasonably high for a work zone in a level terrain. It should be noted that the speed difference between cars and trucks has a significant effect on delay and consequently on D-PCE resulting in these higher D-PCE values. These numbers are not unprecedented. It should be recalled that the work zone had only one lane open. Therefore, these D-PCE values would not be comparable with the HCM *(5)* PCE values for basic freeway sections, but the PCE values for estimating average speeds on two-lane highways with no passing may be used as a point of reference to illustrate the variation of PCE. The HCM PCE values for estimating average speeds on specific upgrades (Exhibit 20-15 from HCM) varies from 1.5 to 15.2 depending on grade, length of grade and volume. Although freeway work zone traffic and two lane highway traffic are not necessarily comparable, the range of 2.8 to 7.7 is well within the range of HCM values for two lane highways.

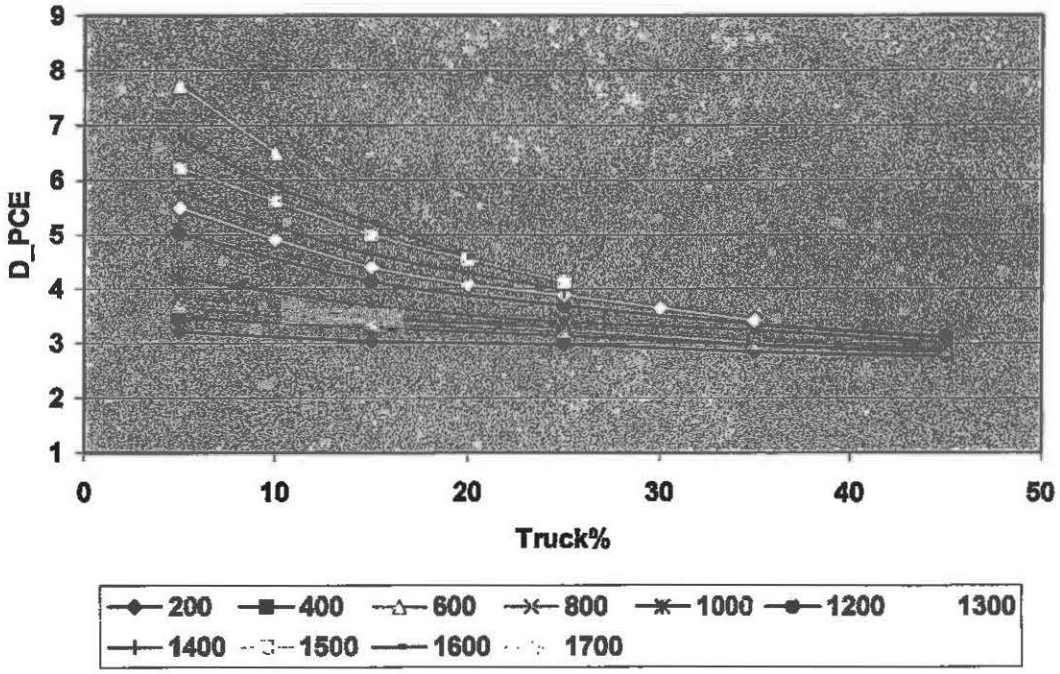

FIGURE 1 Simulated D-PCE for a 1 mile WZ with 10 mph speed difference at different volumes.

CONCLUSIONS AND RECOMMENDATIONS

This paper extended the delay-based methodology that was developed for intersections to work zones, and developed PCE values for heavy vehicles in work zones. The methodology for computing delay-based PCE of heavy vehicles in the work zones is presented. The equivalence is based on delay because delay captures the adverse effects of trucks in work zone traffic better than headway. Simulation was used to quantify the delays caused by the heavy vehicles so PCE values can be determined. Delay and consequently delay-based PCE (D-PCE) values are affected by the length of the work zone, the speed difference between cars and heavy vehicles, traffic volume, percentage trucks and other work zone factors. The D-PCE values for a 1 mile work zone with 10 mph speed difference between cars and heavy vehicles ranged from 2.8 to 7.7. The

D-PCE values decreased with increasing truck percentage and increased with increasing traffic volume. The D-PCE when there is speed difference are well within the range of PCE values of truck for estimating the average speed on two lane highways which are more similar to a one lane work zone than a basic freeway section. Further research is recommended to develop D-PCE values considering different work zone lengths and speed differences between cars and heavy vehicles. The PCE values computed in this research are for a partial closure work zone with one lane open for traffic. The methodology presented in this research can be used to compute the D-PCE values for multiple lanes of traffic and crossover work zones.

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ATTACHMENT E

Attachment E

IV. Environmental Impact Analysis

I.1 Public Services—Police Protection

1. Introduction

This section of the Draft EIR describes existing police protection services within the Project area and provides an analysis of the Project's potential impacts with regard to these services. The focus of the analysis is the Los Angeles Police Department (LAPD) facilities that currently serve the Project Site and the ability of the LAPD to provide adequate police protection services to serve the Project. This section is based on information provided by the LAPD's Community Relations Section, which is included in Appendix I of this Draft EIR.

2. Environmental Setting

a. Regulatory Framework

There are several local plans, regulations and programs that include policies, requirements, and guidelines regarding police protection services in the City of Los Angeles. As described below, these local plans and guidelines include the Los Angeles General Plan Framework, the City of Los Angeles Charter and Administrative and Municipal Codes, the West Los Angeles Community Plan, and the LAPD's Design Out Crime Guidelines.

(1) Los Angeles General Plan Framework Element

The City of Los Angeles General Plan Framework Element (General Plan Framework), adopted in December 1996 and readopted in August 2001, sets forth general guidance regarding land use issues for the entire City of Los Angeles and defines citywide policies regarding land use, including infrastructure and public services. Goal 91 of the Infrastructure and Public Services Chapter of the General Plan Framework specifies that every neighborhood have the necessary police services, facilities, equipment, and manpower required to provide for the public safety needs of that neighborhood.[1] Objective 9.13 and Policy 9.13.1 require the monitoring and reporting of police statistics and population projections for the purpose of evaluating existing and future police

[1] *The Framework Element of the Los Angeles General Plan, Chapter 9: Infrastructure and Public Services.*

protection needs. Objective 9.14 requires that adequate police services, facilities, equipment, and personnel are available to meet such needs. Further, Objective 9.15 requires police services to provide adequate public safety in emergency situations by maintaining mutual assistance agreements with other local law enforcement agencies, state law enforcement agencies, and the National Guard. The City's General Plan Safety Element recognizes that most jurisdictions rely on emergency personnel (police, fire, gas, and water) to respond to and handle emergencies.

Presently, the LAPD operates under a Computer Statistics (COMPSTAT) Plus program that implements the General Plan Framework goal of assembling statistical population and crime data to determine necessary crime prevention actions. COMPSTAT Plus is based on the COMPSTAT program that was created in 1994 by then Police Commissioner of the New York Police Department and former LAPD Chief William J. Bratton. The COMPSTAT system implements a multi-layer approach to police protection services through statistical and geographical information system analysis of growing trends in crime through its specialized crime control model. COMPSTAT Plus represents an enhanced application of the COMPSTAT principles of inspection and accountability, as well as the use of more in-depth auditing methods, mentorship, and close collaboration. By embracing COMPSTAT, Los Angeles reduced Part 1 Crimes by 4.2 percent in 2003 (homicides were reduced by 21.6 percent during this period). Use of COMPSTAT, and more recently, COMPSTAT Plus, by the LAPD has effectively and substantially reduced the occurrence of crime in Los Angeles communities. For example, for the four-week period after implementation of COMPSTAT Plus in the LAPD's Southeast Area, violent crimes were down 11 percent.[2]

(2) City of Los Angeles Charter and Administrative and Municipal Codes

The law enforcement regulations and the powers and duties of the LAPD are outlined in the City of Los Angeles Charter Article V, Section 570; the City of Los Angeles Administrative Code, Chapter 11, Section 22.240; and the Los Angeles Municipal Code (LAMC), Chapter 5, Article 2.

Article V, Section 570 of the City Charter gives the power and the duty to the LAPD to enforce the penal provisions of the Charter and City ordinances, as well as federal and State law. The Charter also gives responsibility to the officers of the LAPD to act as peace

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[2] *City of Los Angeles Police Department, COMPSTAT Plus, www.lapdonline.org/inside_the_lapd/content_basic_view/6364, accessed April 14, 2016.*

officers, as defined by state law, and the power and duty to protect lives and property in case of a disaster or public calamity.

(3) West Los Angeles Community Plan

As discussed in Section IV.G, Land Use, of this Draft EIR, the Project is located within the West Los Angeles Community Plan Area. The West Los Angeles Community Plan, adopted on July 27, 1999, includes the following objectives and policies that are relevant to police protection:

- Objective 8-1: To provide adequate police facilities, personnel and protection to correspond with existing and future population and service demands.
- Policy 8-1.1: Consult with the Police Department in the review of development projects and land use changes to determine law enforcement needs and requirements.
- Objective 8-2: To increase the ability to minimize crime and provide adequate security.
- Policy 8-2-1: Support and encourage community based crime prevention efforts (such as Neighborhood Watch) through regular interaction and coordination with existing policing, foot and bicycle patrols, watch programs and regular communication with neighborhood and civic organizations.
- Policy 8-2.2: Ensure adequate lighting around residential, commercial and industrial buildings to improve security.
- Policy 8-2.3: Ensure that landscaping around buildings does not impede visibility.

The Project's consistency with applicable policies related to police protection is analyzed in Section IV.G, Land Use, of this Draft EIR.

(4) Design Out Crime Guidelines

The City of Los Angeles has championed an initiative referred to as "Design Out Crime," which includes the techniques of Crime Prevention Through Environmental Design (CPTED). The City of Los Angeles is one of the first major cities in the nation to institutionalize these techniques into its government operations. The LAPD's Crime Prevention Unit consults with private developers to incorporate CPTED techniques into projects, and the LAPD participates in the City's Permit Processing Network, an inter-agency task force that reviews complex development projects.

CPTED includes the following three key concepts:

- Natural surveillance: The placement of physical features, activities, and people in a way that maximizes visibility.
- Natural access control: Restricting or encouraging people to come into a space through the placement of entrances, exits, fencing, landscaping, and lighting.
- Territorial reinforcement: The use of physical attributes to define ownership and separate public and private space.

b. Existing Conditions

(1) Overview of Existing LAPD Services

For the purposes of providing police protection services, the LAPD divides the City into four bureaus: the Central; West; South; and Valley Bureaus. These four bureaus are further divided into 21 service areas, which are serviced by the LAPD's 21 community police stations.[3] Within each service area, smaller geographic units referred to as Reporting Districts are used for resource deployment purposes as well as to assist in compiling statistical data. The LAPD also includes a variety of support systems including the Direct Support Division, Special Operations, Municipal Division, Special Weapons and Tactics, K-9, and Mounted Units. All geographic divisions of the Department are fully and consistently staffed according to existing needs. The determination of staffing needs is predicated upon the analysis of crime data, population density, and other specific demographic variables.

As of April 2014, the departmental staffing resources within the LAPD included 9,882 officers. Based on a total City population of 3,792,621, the LAPD currently has an officer-to-resident ratio of 2.61 officers for every 1,000 residents.[4]

The Project Site is located in the West Bureau service area, which covers a territory of approximately 124 square miles with a population of approximately 840,400 residents. The bureau oversees operations in the Hollywood, Wilshire, Pacific, Olympic, and West Los Angeles service areas, as well as the West Traffic Division, which includes the neighborhoods of Pacific Palisades, Westwood, Century City, Venice, Hancock Park, and the Miracle Mile. The West Bureau is bordered to the north by Forest Lawn Drive, to the

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[3] *City of Los Angeles Police Department, Media Relations Handbook, 2007–2008.*

[4] *City of Los Angeles Police Department, COMPSTAT Citywide Profile 03/09/14–04/05/14.*

east by Normandie Boulevard, to the south by El Segundo Boulevard, and to the west by the Pacific Ocean.[5]

(a) West Los Angeles Community Police Station

Within the West Bureau Service Area, the Project Site is served by the West Los Angeles Community Police Station located at 1663 Butler Avenue, approximately one mile southeast of the Project Site. The locations of the police and fire stations that serve the Project Site are depicted in Figure IV.I.1-1 on page IV.I.1-6. The West Los Angeles Community Police Station has a service area of approximately 64 square miles. The general service boundaries of the West Los Angeles Community Police Station are Mulholland Drive to the north, Los Angeles City boundary and the I-10 Freeway to the south, Los Angeles City boundary and La Cienega Boulevard to the east, and the Los Angeles City boundary to the west. Approximately 236 sworn officers and 12 civilian support staff are deployed within the West Los Angeles Community service area.[6] Based on the residential service population of 230,288 persons, the officer-to-resident ratio is approximately 1.02 officers per 1,000 residents.[7] As such, the officer-to-resident ratio in the West Los Angeles Community service area is lower than the citywide ratio of 2.61 officers per 1,000 residents.

The Project Site is located within Reporting District 842 of the West Los Angeles Community Police Station service area boundaries. The general service boundaries of Reporting District 842 are Wilshire Boulevard to the north, Santa Monica Boulevard to the south, Federal Avenue to the east, and Centinela Avenue to the west. Table IV.I.1-1 on page IV.I.1-7 shows a comparison of reported crime data within the West Los Angeles Community Police Station service area and citywide for 2013. As shown in Table IV.I.1-1, approximately 7,934 crimes were reported within the West Los Angeles Community Police Station service area and 187,749 crimes were reported citywide. Based on the 2013 service population, 34 crimes per 1,000 residents (0.034 crime per capita) were reported in the West Los Angeles Community Police Station service area and 50 crimes per 1,000 residents (0.05 crime per capita) were reported citywide.

Table IV.I.1-2 on page IV.I.1-8 provides a breakdown of the 2013 crime statistics for Reporting District 842, the West Los Angeles Community Police Station service area, and citywide. As shown in Table IV.I.1-2, Reporting District 842 reported 185 crimes, the West

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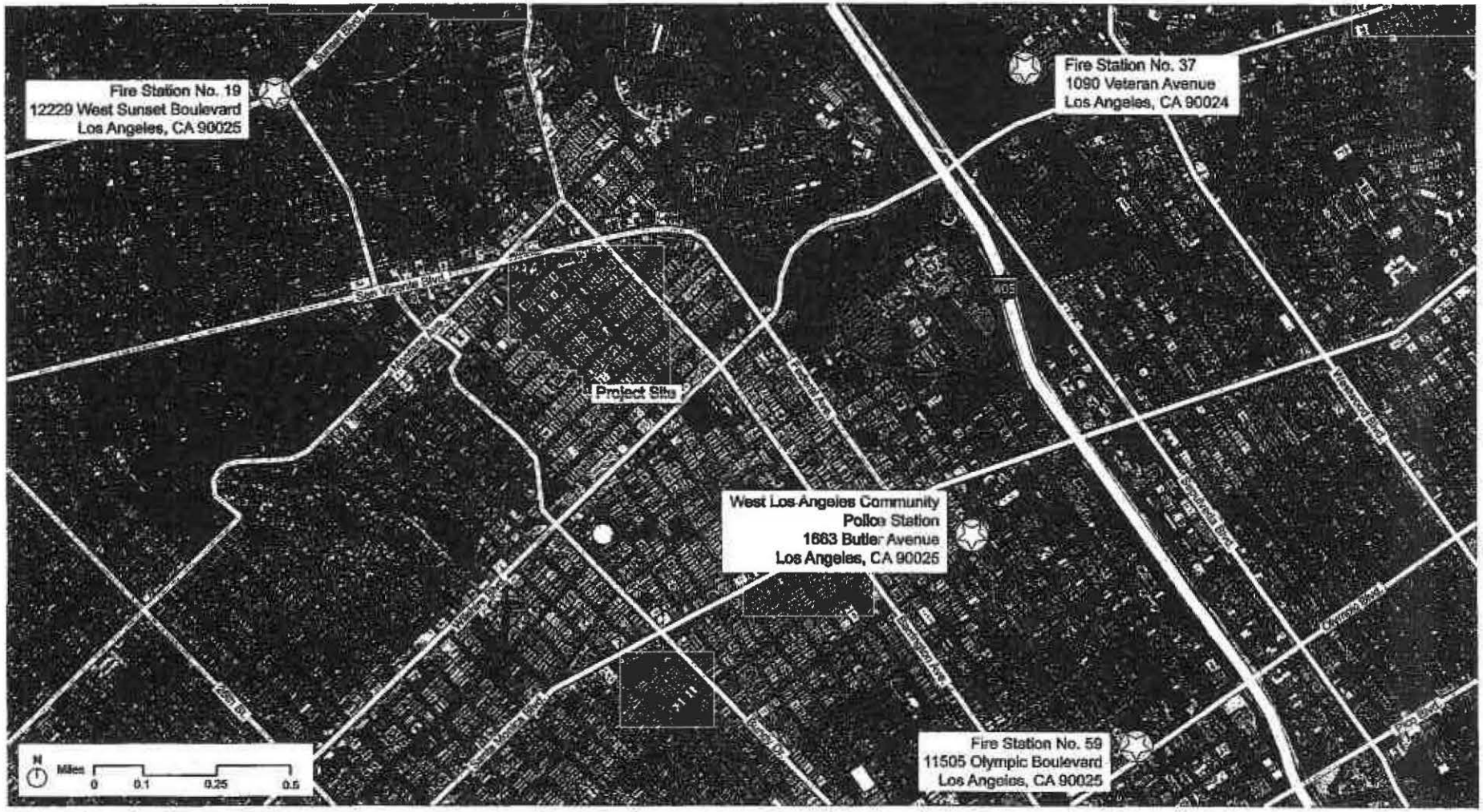
5 *City of Los Angeles Police Department, About West Bureau, www.lapdonline.org/west_bureau/content_basic_view/1869, accessed April 14, 2016.*

6 *Written correspondence from Andrew J. Smith, Commanding Officer, Media Relations and Community Affairs Group, Los Angeles Police Department, April 14, 2014. See Appendix I of this Draft EIR.*

7 *Ibid.*



eyestone ENVIRONMENTAL

Figure IV.I.1-1
Los Angeles Police and Fire Stations that Serve the Project Site

Source: Google Earth Pro, 2013.

Table IV.I.1-1
2013 Crimes per 1,000 Persons within West Los Angeles and Citywide

Area	Crimes	Population	Crimes per 1,000 Persons
West Los Angeles Service Area	7,934	230,288	34
Citywide	187,749	3,790,185	50

Source: Written correspondence from Andrew J. Smith, Commanding Officer, Media Relations and Community Affairs Group, Los Angeles Police Department, April 14, 2014. See Appendix I of this Draft EIR.

Los Angeles Community Police Station reported 7,934 crimes, and 187,749 crimes were reported citywide. In addition, based on the number of officers deployed within the West Los Angeles Community Police Station service area (236 sworn officers), the ratio of crimes per officer was 33.6 crimes per officer in comparison to the citywide ratio of 19.0 crimes per officer (187,749 crimes per 9,882 officers). Thus, in addition to having a lower officer-per-resident ratio, the West Los Angeles Community Police Station service area also has a higher crime per officer ratio compared to the citywide ratios. Additionally, the average response time to emergency calls for service in the West Los Angeles area during 2013 was 7.2 minutes, which was higher than the citywide average of 5.9 minutes and the set standard response time of 7 minutes.[8] As noted above, the West Los Angeles Community Police Station is located approximately one mile southeast of the Project Site.

3. Project Impacts

a. Methodology

According to the *L.A. City CEQA Thresholds Guide*, police service demand relates to the size and characteristics of the community, population, the geographic area served, and the number and the type of calls for service. Changes in these factors resulting from a project may affect the demand for services. As such, the determination of significance relative to impacts on police services is based on the evaluation of existing police services for the police station(s) serving the Project Site, including the availability of police personnel to serve the estimated Project population. The analysis presents statistical averages associated with the police station serving the Project Site and citywide services. The determination of impact on the capability of existing police services and personnel is based

[8] *Written correspondence from Andrew J. Smith, Commanding Officer, Media Relations and Community Affairs Group, Los Angeles Police Department, April 14, 2014. See Appendix I of this Draft EIR.*

Table IV.I.1-2
2013 Crime Totals—Reporting District 842, West Los Angeles Service Area and Citywide

Types of Crime	Reporting District 842	West Los Angeles	Citywide
Murder	0	3	251
Rape	0	24	665
Robbery	2	134	7,861
Aggravated Assault	3	155	7,592
Burglary	12	927	15,572
Larceny	83	3,036	55,120
Vehicle Theft	11	343	14,112
Other Assault	21	927	30,818
Forgery/Counterfeit	2	175	2,683
Fraud	13	672	12,788
Embezzlement	0	80	726
Vandalism	19	702	17,971
Weapon	0	29	1,135
Pimping/Pandering	0	1	66
Other Sex Offenses	3	73	2,833
Against Family Child	0	5	515
Disorderly Conduct	0	21	345
Vagrancy	3	99	1,677
All Other Violations	13	548	15,019
Total	**185**	**7,934**	**187,749**

Source: Written correspondence from Andrew J. Smith, Commanding Officer, Media Relations and Community Affairs Group, Los Angeles Police Department, April 14, 2014. See Appendix I of this Draft EIR.

on the potential for the annual crimes per resident in the West Los Angeles Service Area to exceed current averages due to the addition of the Project. Project design features and additional mitigation measures that would reduce the impact of the Project on police services are also described as mitigating factors in the determination of any unavoidable impact.

b. Thresholds of Significance

Appendix G of the CEQA Guidelines provides a sample question that addresses impacts with regard to police protection service. This question is as follows:

Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, need for new or physically altered governmental facilities, the construction of which would cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for police protection services?

The *L.A. City CEQA Thresholds Guide* states that the determination of significance shall be made on a case-by-case basis, considering the following factors:

- The population increase resulting from the proposed project, based on the net increase of residential units or square footage of non-residential floor area;
- The demand for police services anticipated at the time of project buildout compared to the expected level of service available. Consider as applicable, scheduled improvements to LAPD services (facilities, equipment, and officers) and the project's proportional contribution to the demand; and
- Whether the project includes security and/or design features that would reduce the demand for police services.

Based on the above factors, the Project would have a significant impact on police services if:

- The Project would generate a demand for additional police protection services that would substantially exceed the capability of the LAPD to serve the Project Site, and/or
- The Project would cause a substantial increase in emergency response times as a result of increased traffic congestion attributable to the Project.

c. Regulatory Compliance and Project Design Features

(1) Regulatory Compliance

The Project would comply with all applicable requirements set forth by the LAPD.

(2) Project Design Features

The following project design features are proposed with regard to police protection:

Project Design Feature I.1-1: During construction, the Project Applicant shall implement temporary security measures including security fencing, lighting, and locked entry.

Project Design Feature I.1-2: During operation, the Project shall include private on-site security, a closed circuit security camera system, and keycard entry for the residential building and the residential parking areas.

Project Design Feature I.1-3: The Project shall provide sufficient lighting of building entries and walkways to provide for pedestrian orientation and clearly identify a secure route between parking areas and points of entry into buildings.

Project Design Feature I.1-4: The Project shall provide sufficient lighting of parking areas to maximize visibility and reduce areas of concealment.

Project Design Feature I.1-5: Prior to the approval of plans, the Project Applicant shall submit a diagram of the Project Site to the Los Angeles Police Department West Bureau Commanding Officer that includes access routes and any additional information that might facilitate police response.

Additionally, pursuant to Project Design Feature H-5 in Section IV.H, Noise, of this Draft EIR, the pedestrian access gates to the proposed open space area in the northeast corner of the Project Site would be closed and locked to prohibit public access to the area from approximately sunset until 8:00 A.M. each day.

d. Analysis of Project Impacts

(1) Construction

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

Project construction activities could also potentially impact the surrounding roadways and LAPD protection services and police response times in the Project . As discussed in Section IV.J, Traffic, Access, and Parking, of this Draft EIR, access to the Project Site and the surrounding vicinity could be impacted by Project-related construction activities, such as temporary lane closures, roadway/access improvements, utility line construction, and the generation of traffic as a result of construction equipment movement, hauling of soil and construction materials to and from the Project Site, and construction worker traffic. Although construction activities would be short-term and temporary for the

area, Project construction activities could increase response time for police vehicles along Wilshire Boulevard and main connectors due to travel time delays caused by traffic during the construction phase. However, as discussed in Section IV.J, Traffic, Access, and Parking, of this Draft EIR, most, if not all, of the construction worker and haul truck trips would occur outside the typical weekday commuter morning and afternoon peak periods, reducing the potential for traffic-related conflicts. In addition, a construction management plan would be implemented during Project construction pursuant to Project Design Feature J-1 in Section IV.J, Traffic, Access, and Parking, to ensure that adequate and safe access is available within and near the Project Site during construction activities. Features of the construction management plan would be developed in consultation with the Los Angeles Department of Transportation (LADOT) and may include limiting potential lane closures to off-peak travel periods, to the extent feasible, and scheduling the receipt of construction materials during non-peak travel periods. Appropriate construction traffic control measures (e.g., signs, delineators, etc.) would also be implemented to ensure emergency access to the Project Site and traffic flow is maintained on adjacent right-of-ways. In addition, construction-related traffic generated by the Project would not significantly impact LAPD response times within the Project vicinity as emergency vehicles normally have a variety of options for avoiding traffic, such as using sirens to clear a path of travel or driving in the lanes of opposing traffic.

Implementation of the project design features above and the construction management plan (Project Design Feature J-1 in Section IV.J, Traffic, Access, and Parking, of this Draft EIR) would ensure that Project construction activities would not result in a demand for additional police protection services that would substantially exceed the capability of the LAPD to serve the Project Site, and that Project construction would not cause a substantial increase in emergency response times as a result of increased traffic congestion. Therefore, impacts on police protection services during Project construction would be less than significant.

(2) Operation

The Project Site is served by the West Los Angeles Community Police Station located at 1663 Butler Avenue, approximately 1 mile southeast of the Project Site. The Project would introduce a new residential and visitor population to the Project Site and increase the service population of the West Los Angeles Community Police Station service area. The West Los Angeles Community Police Station service area is supported by 236 sworn officers and a 12-person civilian support staff. As shown in Table IV.I.1-3 on page IV.I.1-12, the Project's estimated net police service population would be 1,015 persons, which would increase the existing service population of the West Los Angeles Community Police Station service area from 230,288 persons to 231,303 persons. The officer-per-resident ratio would remain at its current level of 1.02 officers per

Table IV.I.1-3
Estimated Project Service Population to the West Los Angeles Community Police Station Service Area

Land Use	Units	Conversion Factor (persons/unit)[a]	Total Police Service Population
Existing			
Supermarket (to be removed)	42,900 sf	0.003	129
Office (to remain)	357,100 sf	0.004	1,428
Subtotal Existing			*1,557*
Proposed			
Residential (dwelling units)	376 du	3	1,128
Residential Amenities (lounge, fitness center, recreation room, bicycle storage)	5,410 sf	0.003	16
Subtotal Proposed			*1,144*
Total Police Service Population (Proposed + Existing to Remain)			**2,572**
Project Net Police Service Population (Proposed – Existing to be Removed)			**1,015**
Project Generated Crimes[b]			**35**

du = dwelling units

sf = square feet

[a] *The following L.A. City CEQA Thresholds Guide, K. Police Service Population Conversion Factors were used: Residential (single, one-, and two-bedroom units): 3 persons/unit; Office: 4 persons/1,000 sf. As discussed in the Initial Study prepared for the Project, which is included in Appendix A of this Draft EIR, the Project's new residential units would introduce an estimated residential population of 703 persons according to the City of Los Angeles Demographic Research Unit's most recent estimated household size for renter-occupied units in the Community Plan area (1.87 persons per unit). However, Section K. Police Service Population Conversion Factors in the L.A. City CEQA Thresholds Guide also provides police service population factors for residential uses. Based on that factor (Residential [single, one-, and two-bedroom units]: 3 persons/unit), full buildout of the proposed residential uses would generate a police service population of approximately 1,128 persons. Note that the resulting residential population is greater than the calculation included in the Initial Study prepared for the Project. The higher police service population for the proposed residential uses (which is based on the police service population factors in the L.A. City CEQA Thresholds Guide) is used for purposes of providing a conservative analysis of impacts on police services provided by the West Los Angeles Community Police Station.*

[b] *According to the LAPD, the crimes per capita rate for the West Los Angeles Community Police Station service area was 0.034 crimes per capita in 2013. This generation factor was used to generate the approximate net increase in crimes that could occur at the Project Site with implementation of the Project.*

Source: Eyestone Environmental, 2016.

1,000 residents, however. Therefore, the Project would not represent a significant change in the officer-per-resident ratio of the West Los Angeles Community Police Station service area.

As shown in Table IV.I.1-1 on page IV.I.1-7, 7,934 crimes were reported in the West Los Angeles Community Police Station for 2013, which resulted in a crime rate of approximately 34 crimes per 1,000 residents or 0.034 crime per capita. Based on the assumption that the annual crime rate would remain constant at 0.034 crime per capita, the Project could potentially generate approximately 35 new crimes per year. This would increase the annual number of crimes reported in the West Los Angeles Community Police Station service area from 7,934 to 7,969 reported crimes per year, a 0.4 percent increase.

As shown in Table IV.I.1-2 on page IV.I.1-8, the most common crimes reported in Reporting District 842 were larceny, non-aggravated assaults, and burglary. The Project would implement Project Design Feature I.1-2, which would include on-site security features such as keycard entry for the proposed residential tower and within the proposed parking structure as well as private on-site security, and a closed circuit security camera system. Additionally, pursuant to Project Design Features I.1-3 and I.1-4, the Project would include appropriate lighting to ensure security and well-lit areas. Pursuant to Project Design Feature I.1-5, the Project Applicant would submit a diagram of the Project Site to the LAPD West Bureau Commanding Officer that includes access routes and any additional information that might facilitate police response. In addition, according to Project Design Feature H-5 in Section IV.H, Noise, of this Draft EIR, the pedestrian access gates to the proposed open space area in the northeast corner of the Project Site would be closed and locked to prohibit public access to the area from approximately sunset until 8:00 A.M. each day. The Project's design features would help offset the Project-related increase in demand for police services. Implementation of these measures would integrate CPTED strategies that would create high-visibility areas, and deter criminal activities.

However, even with the implementation of the project design features, the officer-to-resident ratio of the West Los Angeles Community Police Station service area would still be below the citywide ratio, and the response time still would be above the LAPD set standard time of 7 minutes. As such, the LAPD has stated that the Project would have the potential to result in a significant impact on police services.[9] Therefore, the Project could generate a demand for additional police protection services that would substantially exceed the capability of the LAPD to serve the Project Site. As such, impacts to police protection

[9] *Written correspondence from Andrew J. Smith, Commanding Officer, Media Relations and Community Affairs Group, Los Angeles Police Department, April 14, 2014. See Appendix I of this Draft EIR.*

services would be potentially significant and mitigation is required, discussed below in Section 5, Mitigation Measures.

4. Cumulative Impacts

As shown in Section III, Environmental Settings, of this Draft EIR, a total of 26 related projects have been identified within the Project vicinity, all of which fall within the service boundaries of the West Los Angeles Community Police Station service area except Related Project Nos. 5, 20, 21, 22, 23, and 24. A map of the related project locations is provided in Figure III-1 in Section III, Environmental Settings, of this Draft EIR.

In general, impacts to LAPD services and facilities during the construction of each related project would be addressed as part of each related project's development review process conducted by the City. Due to the proximity to the Project Site, should Project construction occur concurrently with the construction of Related Project Nos. 6 and 7 (located approximately four blocks west and three blocks east of the Project Site on Wilshire Boulevard, respectively), then specific coordination among these multiple construction sites would be required and implemented through the Project's construction management plan, which would ensure emergency access and traffic flow is maintained on adjacent right-of-ways. In addition, construction-related traffic generated by the Project and the related projects would not significantly impact LAPD response times within the Project vicinity as emergency vehicles normally have a variety of options for avoiding traffic, such as using sirens to clear a path of travel or driving in the lanes of opposing traffic. Therefore, the Project's contribution to cumulative impacts on emergency response would not be cumulatively considerable.

As shown in Table IV.I.1-4 on page IV.I.1-15, based on the police service population factors provided in the *L.A. City CEQA Thresholds Guide,* the related projects would generate a population increase of approximately 13,842 persons within the service area of the West Los Angeles Community Police Station. As previously discussed, the Project would generate approximately 1,015 persons within the service area. Combined with the related projects, a cumulative total service population increase of 14,857 persons would occur. Utilizing the West Los Angeles Police Station service area crimes per capita rate of 0.034 crime per capita, the Project could result in 35 additional crimes per year and related projects could result in 473 additional crimes per year, for a total of 508 additional crimes per year within the West Los Angeles Community Police Station service area. The Project would represent approximately eight percent of the cumulative increase in potential crimes. This degree of cumulative growth would substantially increase the demand for LAPD services in the West Los Angeles Community Police Station service area. However, as previously discussed, although the Project would not decrease the current officer-to-resident ratio in the West Los Angeles Community Police Station service area, the LAPD

Table IV.I.1-4
Estimated Service Population from Related Projects within West Los Angeles Community Police Station Service Area

No.[a]	Project Name	Land Use	Number of Units	Conversion Factor[b]	Total Population	Crimes[c]
1	Brentwood Town Green	Retail	26,582 sf	0.003	80	3
		Restaurant	13,556 sf	0.004[e]	54	2
2	Restaurant	Restaurant	3,900 sf	0.004[e]	16	1
3	Brentwood School	Private School	265 stu	—[d]	265	9
4	Archer School for Girls	Private School	88 persons[f]	—[d]	88	3
6	The Picasso	Apartments	108 du	4	432	15
		Retail	13,000 sf	0.003	39	1
7	Office Building	Office	120,200 sf	0.004	481	16
		Medical Office	120,900 sf	0.004	484	16
8	Condominium & Retail	Condominium	93 du	4	372	13
		Retail	26,000 sf	0.003	78	3
9	Condominium & Retail	Condominium	28 du	4	112	4
		Retail	4,700 sf	0.003	14	0
10	Hudson Pacific	Office	250,283 sf	0.004	1,001	34
11	Fast Food	Fast Food Restaurant	1,200 sf	0.004[e]	5	0
12	Santa Monica & Barrington Mixed-Use	Supermarket	55,430 sf	0.003	166	6
		Apartments	166 du	4	664	23
13	New West Charter School	Charter School	875 stu	—[d]	875	30
14	Hyde Park Condominiums	Condominium	95 du	4	380	13
15	Wildwood Upper School	Private School	500 stu	—[d]	500	17
16	Westwood Hotel	Hotel	134 rm	1.5	201	7
		Condominium	10 du	4	40	1
		Commercial	16,500 sf	0.003	50	2
17	Mixed-Use Apartment & Restaurant	Apartments	52 du	4	208	7
		Restaurant	3,300 sf	0.004[e]	13	0
18	Mixed-Use	Apartments	89 du	4	356	12
		Specialty Retail	6,030 sf	0.003	18	1
19	Pico-Sepulveda Mixed-Use	Apartments	538 du	4	2,152	73
		Discount Store	212,000 sf	0.003	636	22
		Supermarket	54,000 sf	0.003	162	6
25	Martin Expo Town Center Project	Residential	516 du	4	2,064	70
		Retail	67,000 sf	0.003	201	7
		Creative Office	200,000 sf	0.004	800	27
26	Mixed-Use	Residential	175 du	4	700	24
		Retail	45,000 sf	0.003	135	5
Related Projects Total					**13,842**	**473**
Project Net Impact					**1,015**	**35**
Related Projects plus Project					**14,857**	**508**

Table IV.I.1-4 (Continued)
Estimated Service Population from Related Projects within
West Los Angeles Community Police Station Service Area

No.[a]	Project Name	Land Use	Number of Units	Conversion Factor[b]	Total Population	Crimes[c]

sf = square feet

du = dwelling units

stu = students

rm = rooms

Related Projects Nos. 5 20, 21, 22, 23, and 24 are not included in this analysis of cumulative impacts to police protection services as they are not located within the West Los Angeles Community Police Station's service area.

[a] *Map No. corresponds to Table III-1, List of Related Projects, and Figure III-1, in Section III., Environmental Setting, of this Draft EIR.*

[b] *The following L.A. City CEQA Thresholds Guide Police Service Population Conversion Factors were used: Residential (three-,four-bedroom units): 4 persons/unit (the highest rate available); Office: 4 persons/1,000 sf; Retail: 3 persons/1,000 sf; Hotel: 1.5 persons/room/day*

[c] *According to the LAPD, the crimes per capita rate for the West Los Angeles Community Police Station service area was 0.034 crimes per capita in 2013. This generation factor was used to generate the approximate number of crimes that could occur as a result of the related projects.*

[d] *The L.A. City CEQA Thresholds Guide does not provide a police service population factor for schools. Therefore, the police service population is assumed to be equivalent to the number of students.*

[e] *The L.A. City CEQA Thresholds Guide does not provide a population conversion factor for this type of land use, therefore, the highest available rate for non-residential land uses (i.e., 4 persons per 1,000 square feet for office uses) is used.*

[f] *Estimated daytime service population (including staff and students) according to City of Los Angeles Department of City Planning, Final Environmental Impact Report, Archer Forward: Campus Preservation and Improvement Plan, State Clearinghouse Number: 2012011001, November 2014.*

Source: Eyestone Environmental, 2016.

has indicated that the Project would have a significant impact on police protection services. In addition to Project Design Features I.1-1 through I.1-5, the Project would implement Mitigation Measure I.1-1, which would reduce Project-level impacts to a less-than-significant level.

Furthermore, the Project Site and the related projects are located within a highly urbanized area and it is assumed each of the related projects identified would likewise be developed within an acceptable distance from one or more existing police stations. Similar to the Project, each related project would be subject to the City of Los Angeles' routine construction permitting process, which includes a review by the LAPD to ensure that sufficient security measures are implemented to reduce potential impacts to police protection services. The LAPD would continue to monitor population growth and land development throughout the City and identify additional resource needs including staffing, equipment, vehicles, and possibly station expansions or new station construction that may become necessary to achieve the desired level of service. Through the City's regular budgeting efforts, the LAPD's resource needs would be identified and monies allocated

according to the priorities at the time. In addition, it is anticipated that the related projects would implement mitigation measures similar to Mitigation Measure I.1-1, which would reduce cumulative impacts to police protection services.

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

5. Mitigation Measures

Mitigation Measure I.1-1: Prior to the issuance of a building permit, the Project Applicant shall consult with the Los Angeles Police Department's Crime Prevention Unit regarding the incorporation of crime prevention features appropriate for the design of the Project, including applicable features in the Los Angeles Police Department's Design Out Crime Guidelines.

6. Level of Significance After Mitigation

The mitigation measure would implement the LAPD's recommendations for the Project and reduce Project-level impacts to police protection services to a less-than-significant level. While the Project's contribution to cumulative impacts to police protection services would not be cumulatively considerable, implementation of Mitigation Measure I.1-1 would further reduce cumulative impacts.

EXHIBIT A
(Appeal 2)

ORIGINAL

APPLICATIONS:

APPEAL APPLICATION

This application is to be used for any appeals authorized by the Los Angeles Municipal Code (LAMC) for discretionary actions administered by the Department of City Planning.

1. APPELLANT BODY/CASE INFORMATION

Appellant Body:

☐ Area Planning Commission ☑ City Planning Commission ☐ City Council ☐ Director of Planning

Regarding Case Number: VTT-74131 (ENV-2015-897-EIR; CPC-2015-896-GPA-VZC-HD-MCUP-ZV-DB-SPR related cases)

Project Address: 333 S. La Cienega Blvd., Los Angeles

Final Date to Appeal: 10/24/2016

Type of Appeal:
☐ Appeal by Applicant/Owner
☑ Appeal by a person, other than the Applicant/Owner, claiming to be aggrieved
☐ Appeal from a determination made by the Department of Building and Safety

2. APPELLANT INFORMATION

Appellant's name (print): Beverly Wilshire Homes Association, Inc.

Company:

Mailing Address: 8443 West Fourth Street

City: Los Angeles State: CA Zip: 90048

Telephone: E-mail: theBWHA2@aol.com

- Is the appeal being filed on your behalf or on behalf of another party, organization or company?

  ☑ Self ☐ Other:

- Is the appeal being filed to support the original applicant's position? ☐ Yes ☑ No

3. REPRESENTATIVE/AGENT INFORMATION

Representative/Agent name (if applicable): Sabrina D. Venskus, Esq.

Company: Venskus & Associates, A.P.C.

Mailing Address: 1055 Wilshire Blvd., Suite 1660

City: Los Angeles State: CA Zip: 90017

Telephone: (213) 482-4200 E-mail: venskus@lawsv.com

4. JUSTIFICATION/REASON FOR APPEAL

Is the entire decision, or only parts of it being appealed? ☑ Entire ☐ Part

Are specific conditions of approval being appealed? ☑ Yes ☐ No

If Yes, list the condition number(s) here: The entirety of the Project

Attach a separate sheet providing your reasons for the appeal. Your reason must state:

- The reason for the appeal
- How you are aggrieved by the decision
- Specifically the points at issue
- Why you believe the decision-maker erred or abused their discretion

5. APPLICANT'S AFFIDAVIT

I certify that the statements contained in this application are complete and true:

Appellant Signature: Rosalie Wayne Date: 10-24-16

6. FILING REQUIREMENTS/ADDITIONAL INFORMATION

- Eight (8) sets of the following documents are required for each appeal filed (1 original and 7 duplicates):
  - Appeal Application (form CP-7769)
  - Justification/Reason for Appeal
  - Copies of Original Determination Letter
- A Filing Fee must be paid at the time of filing the appeal per LAMC Section 19.01 B.
  - Original applicants must provide a copy of the original application receipt(s) (required to calculate their 85% appeal filing fee).
- All appeals require noticing per the applicable LAMC section(s). Original Applicants must provide noticing per the LAMC, pay mailing fees to City Planning's mailing contractor (BTC) and submit a copy of the receipt.
- Appellants filing an appeal from a determination made by the Department of Building and Safety per LAMC 12.26 K are considered Original Applicants and must provide noticing per LAMC 12.26 K.7, pay mailing fees to City Planning's mailing contractor (BTC) and submit a copy of receipt.
- A Certified Neighborhood Council (CNC) or a person identified as a member of a CNC or as representing the CNC may not file an appeal on behalf of the Neighborhood Council; persons affiliated with a CNC may only file as an individual on behalf of self.
- Appeals of Density Bonus cases can only be filed by adjacent owners or tenants (must have documentation).
- Appeals to the City Council from a determination on a Tentative Tract (TT or VTT) by the Area or City Planning Commission must be filed within 10 days of the date of the written determination of said Commission.
- A CEQA document can only be appealed if a non-elected decision-making body (ZA, APC, CPC, etc.) makes a determination for a project that is not further appealable. [CA Public Resources Code ' 21151 (c)].

This Section for City Planning Staff Use Only		
Base Fee:	Reviewed & Accepted by (DSC Planner):	Date:
Receipt No:	Deemed Complete by (Project Planner):	Date:
☐ Determination authority notified	☐ Original receipt and BTC receipt (if original applicant)	

Venskus & Associates
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Telephone (213) 482-4200; Facsimile (213) 482-4246
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ATTACHMENT A

RE: APPEAL FROM DECISION BY ADVISORY AGENCY OF THE CITY OF LOS ANGELES (CASE NO. VTT-74131; ENV-2015-897-EIR; CPC-2015-896-GPA-VZC-HD-MCUP-ZV-DB-SPR)

The Beverly-Wilshire Homes Association ("Association" or "Appellant" or "BWHA") hereby appeals the Advisory Agency of the City of Los Angeles' (hereinafter "the Agency") October 14, 2016, Decision (hereinafter the "Decision") approving Vesting Tentative Tract Map No. 74131, certifying the EIR, adopting the Mitigation Monitoring Program and findings for the EIR, and Statement of Overriding Considerations, as well as any and all associated entitlements (including general plan amendment, variances, zone changes, etc.,) for the proposed development at 333 S. La Cienega Blvd., Los Angeles (hereinafter referred to as the "Proposed Project").

Due to the City's failure to timely serve the written Decision on the Association's legal counsel and members, Appellant hereby reserves the right to augment its appeal application prior to any City Planning Commission hearing.

I. Appellant is an Aggrieved Party

The Beverly Wilshire Homes Association (BWHA) is a non-profit, incorporated organization of property owners, residents and businesses within the area bounded by La Brea to La Cienega and Rosewood to the north side of Wilshire Boulevard. Since 1956, BWHA has been the voice of the community. Its mission is to improve the quality of life for BWHA's members and for the greater BWHA community. The Proposed Project is adjacent to the BWHA community's western border and will severely and negatively impact the BWHA community. The Project as currently proposed fails to

comply with applicable State and City ordinances and plans, including the City Charter, the City's General Plan Framework Element, the Wilshire Community Plan, the California Environmental Quality Act, and the California Government Code, thereby permanently debasing the character, scale, and livability of the Wilshire Community Plan area, including the Beverly-Wilshire neighborhood.

Furthermore, the general plan amendment which is required to enable this community plan non-compliant Proposed Project, runs afoul of the City Charter and constitutes unconstitutional spot zoning. Allowing developers to deviate from community plans and long-established height maximums and design precedents only invites future landowners to request (and receive) additional deviations from existing ordinances and plans, further eroding the community character and quality of life of existing residents and businesses.

For these reasons and more, Appellant is an aggrieved party for purposes of the instant appeal.

II. Reasons for Appeal.

First, the Agency failed to give adequate time to the public, BWHA, and its representatives to evaluate the Decision. The Decision Letter was not mailed by the City until Friday afternoon, October 14, and therefore did not arrive some mailboxes until Wednesday, October 19. In addition, BWHA's legal counsel never received a mailed copy of the Decision Letter despite the fact that said counsel signed up and testified at the Advisory Agency public hearing on the Proposed Project. Further, as the record indicates, the City did not upload the Decision Letter to the City's Planning Department website until Thursday afternoon, October 20. The Decision Letter is 91 pages. Two business days is not nearly enough time for the public to review and evaluate a 91-page Decision Letter prior to the October 24 appeal deadline. Thus, it appears, regrettably, that the City has intentionally, and by design, discouraged public participation and scrutiny of the land use planning process with respect to this case.

Appellant objects to the Proposed Project because the Agency has abused its discretion, failed to proceed in a manner required by law, and/or exceeded its jurisdiction and authority because:

1) The findings in support of adoption of the EIR are not supported by substantial evidence;
2) The Final EIR does not adequately respond to comments in violation of CEQA;

3) The EIR fails to adequately analyze health and safety infrastructure impacts, in violation of CEQA;
4) The EIR fails to analyze and disclose the Proposed Project's true land use impacts, in violation of CEQA;
5) The mitigation measures do not lessen significant impacts to a level of insignificance, and not all feasible mitigation measures are adopted, in violation of CEQA;
6) Feasible project alternatives that are less impactful were not adopted, in violation of CEQA;
7) The Statement of Overriding Considerations is illusory and not supported by substantial evidence, in violation of CEQA;
8) The Cumulative Impacts Analysis is fatally flawed, making the EIR deficient, in violation of CEQA;
9) The Agency's action in approving the Proposed Project, and the Project itself, violates City Charter section 555;
10) The Agency's findings with respect to the Subdivision Map Act are not supported by substantial evidence;
11) The Advisory Agency does not possess municipal code authority to deviate from the express provisions of the zoning code and therefore the Decision violates the Subdivision Map Act (Government Code §§66474.60; 66474.61(b));
12) The Proposed Project constitutes unconstitutional spot zoning;
13) The Project is inconsistent with, and violates, the City's General Plan Framework Element;
14) The Project is inconsistent with, and violates, the Wilshire Community Plan. Appellant herein incorporates by reference its comments submitted on July 5, 2016, to Alejandro Huerta, Department of City Planning, with respect to the Proposed Project's irreconcilable conflicts with specified goals, policies and programs of the Wilshire Community Plan.

In conclusion, Appellant reiterates its **support for Project Alternatives 1 and 2**, and **strenuously objects to the Proposed Project approved by the Advisory Agency**.

EXHIBIT B

DEPARTMENT OF
CITY PLANNING

CITY PLANNING COMMISSION

DAVID H. J. AMBROZ
PRESIDENT

RENEE DAKE WILSON
VICE-PRESIDENT

ROBERT L. AHN
CAROLINE CHOE
RICHARD KATZ
JOHN W. MACK
SAMANTHA MILLMAN
VERONICA PADILLA-CAMPOS
DANA M. PERLMAN

JAMES K. WILLIAMS
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CITY OF LOS ANGELES
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http://planning.lacity.org

Decision Date: October 14, 2016

Appeal Period Ends: October 24, 2016

CRM Properties (A)(O)
101 The Grove Drive
Los Angeles, CA 90036

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

Doug Howard (E)
Psomas
555 South Flower Street, Suite 4300
Los Angeles, CA 90071

RE: Vesting Tentative Tract Map No.: VTT-74131
CEQA: ENV-2015-897-EIR (SCH No. 2016011061)
Address: 333 S. La Cienega Boulevard
Related Case(s): CPC-2015-896-GPA-VZC-HD- MCUP-ZV-DB-SPR
Planning Area: Wilshire
Proposed Zone: (T)(Q)C2-2D-O
D. M. : 138B173
C. D. : 5

Pursuant to Section 21082.1(c)(3) of the California Public Resources Code, the Advisory Agency hereby certifies the Environmental Impact Report (EIR), ENV-2015-897-EIR (SCH No. 2016011061), for the Project (333 S. La Cienega Boulevard). The Advisory Agency hereby adopts the Mitigation Monitoring Program, the required Findings for the adoption of the EIR, and a Statement of Overriding Considerations setting forth the reasons and benefits of adopting the EIR with full knowledge that significant impacts may remain.

In accordance with provisions of Los Angeles Municipal Code (LAMC) Section 17.03, the Advisory Agency approved Vesting Tentative Tract Map No. 74131, located at 333 S. La Cienega Boulevard to permit the merger and subdivision of a 1.15 net-acre site, in the proposed (T)(Q)C2-2D-O zone, into **one master ground lot and four airspace lots** as shown on map stamp-dated September 13, 2016 in the Wilshire Community Plan. (The subdivider is hereby advised that the LAMC may not permit this maximum approved density. Therefore, verification should be obtained from the Department of Building and Safety, which will legally interpret the Zoning code as it applies to this particular property.) For an appointment with the Development Services Center, call (213) 482-7077 or (818) 374-5050. The Advisory Agency's approval is subject to the following conditions:

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

BUREAU OF ENGINEERING - SPECIFIC CONDITIONS

1. That a Certified Recorded Copy of the Covenant and Agreement executed with the Los Angeles County Flood Control District as outlined under comments No. 2 of Permit No. PCFL 201602446 dated August 25, 2016 be submitted to Land Development & GIS Division of Bureau of Engineering prior to the recordation of the final map.

2. That prior to the recordation of the final map, a letter be submitted to Land Development & GIS Division of Bureau of Engineering from the Los Angeles County Flood Control District stating that satisfactory arrangements, including Covenant & Agreement, for comments Nos. 3 to 25 as outlined under Permit No. PCFL 201602446 dated August 25, 2016 have been made regarding the existing storm drain system and the easement within this tract.

3. That a Covenant and Agreement be recorded advising all future owners and builders that prior to issuance of a building permit, a Notice of Acknowledgment of Easement must be recorded and an application to do work in any sanitary sewer easement and to construct over the existing sanitary sewer facilities must be submitted to the City Engineer.

4. That the subdivider make a request to the Central District Office of the Bureau of Engineering to determine the capacity of existing sewers in this area.

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

    a. Plan view at different elevations.
    b. Isometric views.
    c. Elevation views.
    d. Section cuts at all locations where air space lot boundaries change.

6. That the owners of the property record an agreement satisfactory to the City Engineer stating that they will grant the necessary private easements for ingress and egress purposes to serve proposed airspace lots to use upon the sale of the respective lots and they will maintain the private easements free and clear of obstructions and in safe conditions for use at all times.

Note: Approval from Board of Public Works may be necessary before removal of any street trees in conjunction with the improvements above, through Bureau of Street Services Street Tree Division.

DEPARTMENT OF BUILDING AND SAFETY, GRADING DIVISION

7. Prior to issuance of a grading or building permit, or prior to recordation of the final map, the subdivider shall make suitable arrangements to assure compliance, satisfactory to the Department of Building and Safety, Grading Division, with all the requirements and conditions contained in Inter-Departmental Letter dated October 7, 2016, Log No. 93008-01 and attached to the case file for Tract No. 74131.

DEPARTMENT OF BUILDING AND SAFETY, ZONING DIVISION

8. Prior to recordation of the final map, the Department of Building and Safety, Zoning Division shall certify that no Building or Zoning Code violations exist on the subject site. In addition, the following items shall be satisfied:

    a. Obtain permits for the demolition or removal of all existing structures on the site. Accessory structures and uses are not permitted to remain on lots without a main structure or use. Provide copies of the demolition permits and signed inspection cards to show completion of the demolition work.

    b. The submitted Map does not comply with the maximum density (400 SF of lot area/dwelling unit) requirement of C2 Zone. Revise the Map to show compliance with the above requirement or obtain approval from the Department of City Planning.

    c. The submitted Map does not comply with the maximum height limit requirement of the 1VL Height District. Revise the Map to show compliance with the above requirement or obtain approval from the Department of City Planning.

    d. Provide a copy of the CPC case CPC-2015-896-GPA-VZC-HD-MCUP-ZV-DB-SPR. Show compliance with all the conditions/requirements of the case as applicable.

    e. Show all street dedications as required by Bureau of Engineering and provide net lot area after all dedication. "Area" requirements shall be re-checked as per net lot area after street/alley dedication.

    f. Record a Covenant and Agreement to treat the buildings and structures located in an Air Space Subdivision as if they were within a single lot.

    Notes: Each Air Space lot shall have access to a street by one or more easements or other entitlements to use in a form satisfactory to the Advisory Agency and the City Engineer.

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

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

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

DEPARTMENT OF TRANSPORTATION

9. Prior to recordation of the final map, satisfactory arrangements shall be made with the Department of Transportation to assure: (MM)

   a. A minimum of 20-foot reservoir space(s) be provided between any ingress security gate(s) and the property line. A minimum of 60-foot and 40-foot reservoir space(s) be provided between any ingress security gate(s) and the property line when driveway is serving more than 300 and 100 parking spaces respectively.

   b. Parking stalls shall be designed so that a vehicle is not required to back into or out of any public street or sidewalk, LAMC 12.21-A,5(i)a.

   c. The applicant complies with LADOT's traffic assessment letter stated in the April 1, 2015 DOT letter to Karen Hoo, City Planner, Department of City Planning. All subsequent revisions such as the supplemental traffic assessment letter of February 11, 2016 shall remain in effect.

   d. That a fee in the amount of $205.00 be paid for the Department of Transportation as required per Ordinance No. 180542 and LAMC Section 19.15 prior to recordation of the final map. Note: the applicant may be required to comply with any other applicable fees per this new ordinance.

   e. A parking area and driveway plan be submitted to the Citywide Planning Coordination Section of the Department of Transportation for approval prior to submittal of building permit plans for plan check by the Department of Building and Safety. Transportation approvals are conducted at 201 N. Figueroa Street, Room 550.

FIRE DEPARTMENT

10. Prior to the recordation of the final map, a suitable arrangement shall be made satisfactory to the Fire Department, binding the subdivider and all successors to the following: (MM)

    a. Submit plot plans for Fire Department approval and review prior to recordation of Tract Action.

    b. Access for Fire Department apparatus and personnel to and into all structures shall be required.

    c. Where above ground floors are used for residential purposes, the access requirement shall be interpreted as being the horizontal travel distance from the street, driveway, alley, or designated fire lane to the main entrance of individual units.

    d. The entrance or exit of all ground dwelling units shall not be more than 150 feet from the edge of a roadway of an improved street, access road, or designated fire lane.

    e. No building or portion of a building shall be constructed more than 150 feet from the edge of a roadway of an improved street, access road, or designated fire lane.

    f. The Fire Department may require additional vehicular access where buildings exceed 28 feet in height.

    g. **L.A.M.C. 57.09.03.B Exception:** When this exception is applied to a fully fire sprinklered residential building equipped with a wet standpipe outlet inside an exit stairway with at least a 2 hour rating the distance from the wet standpipe outlet in the stairway to the entry door of any dwelling unit or guest room shall not exceed 150 feet of horizontal travel AND the distance from the edge of the roadway of an improved street or approved fire lane to the door into the same exit stairway directly from outside the building shall not exceed 150 feet of horizontal travel. It is the intent of this policy that in no case will the maximum travel distance exceed 150 feet inside the structure and 150 feet outside the structure. The term "horizontal travel" refers to the actual path of travel to be taken by a person responding to an emergency in the building. This policy does not apply to single-family dwellings or to non-residential buildings.

    h. Building designs for multi-storied residential buildings shall incorporate at least one access stairwell off the main lobby of the building, but, in no case

greater than 150 feet horizontal travel distance from the edge of the public street, private street or Fire Lane. This stairwell shall extend unto the roof.

i. Entrance to the main lobby shall be located off the address side of the building.

j. Any required Fire Annunciator panel or Fire Control Room shall be located within 50 feet visual line of site of the main entrance stairwell or to the satisfaction of the Fire Department.

k. Fire lane width shall not be less than 20 feet. When a fire lane must accommodate the operation of Fire Department aerial adder apparatus or where fire hydrants are installed, those portions shall not be less than 28 feet in width.

l. Any roof elevation changes in excess of 3 feet may require the installation of ships ladders.

m. The Fire Department may require additional roof access via parapet access roof ladders where buildings exceed 28 feet in height, and when overhead wires or other obstructions block aerial ladder access.

n. Adequate public and private fire hydrants shall be required.

o. **Helipads on Highrise Buildings.** Recently, the Los Angeles Fire Department (LAFD) modified Fire Prevention Bureau (FPB) Requirement 10. Helicopter landing pads are still required on all High-Rise buildings in the City. However, FPB's Requirement 10 has been revised to provide two new alternative to a full FAA-approved helicopter landing pad.

p. **FPB #105 Section 510, Emergency Responder Radio Coverage.** 5101.1 Emergency responder radio coverage in new buildings. All new buildings shall have approved radio coverage for emergency responders within the building based upon the existing coverage levels of the public safety communication systems of the jurisdiction at the exterior of the building. This section shall not require improvement of the existing public safety communications systems.

Note: The applicant is further advised that all subsequent contact regarding these conditions must be with the Hydrant and Access Unit. This would include clarification, verification of condition compliance and plans or building permit applications, etc., and shall be accomplished BY APPOINTMENT ONLY, in order to assure that you receive service with a minimum amount of waiting

please call (213) 482-6504. You should advise any consultant representing you of this requirement as well.

DEPARTMENT OF WATER AND POWER

11. Arrangements shall be made for compliance with the Los Angeles Department of Water and Power (LADWP) Water System Rules and requirements, satisfactory to the LADWP memo dated June 13, 2016. Upon compliance with these conditions and requirements, LADWPs Water Services Organization will forward the necessary clearances to the Bureau of Engineering. (This condition shall be deemed cleared at the time the City Engineer clears Condition No. S-1.(c).)

BUREAU OF STREET LIGHTING

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

BUREAU OF SANITATION

13. Satisfactory arrangements shall be made with the Bureau of Sanitation, Wastewater Collection Systems Division for compliance with its sewer system review and requirements. Upon compliance with its conditions and requirements, the Bureau of Sanitation, Wastewater Collection Systems Division will forward the necessary clearances to the Bureau of Engineering. (This condition shall be deemed cleared at the time the City Engineer clears Condition No. S-1. (d).)

INFORMATION TECHNOLOGY AGENCY

14. That satisfactory arrangements be made in accordance with the requirements of the Information Technology Agency to assure that cable television facilities will be installed in the same manner as other required improvements. Refer to the LAMC Section 17.05-N. Written evidence of such arrangements must be submitted to the Information Technology Agency, 200 North Main Street, 12th Floor, Los Angeles, CA 90012, 213 922-8363.

DEPARTMENT OF RECREATION AND PARKS

15. That the Quimby fee be based on the proposed C2 Zone. (MM)

URBAN FORESTRY DIVISION AND THE DEPARTMENT OF CITY PLANNING

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

    Replacement by a minimum of 24-inch box trees in the parkway and on the site of the 20 trees to be removed, shall be required for the unavoidable loss of desirable trees on the site, and to the satisfaction of the Advisory Agency. (MM) **Note**: Removal of all trees in the public right-of-way shall require approval of the Board of Public Works. Contact: Urban Forestry Division at: (213) 485-5675. Failure to comply with this condition as written shall require the filing of a modification to this tract map in order to clear the condition.

DEPARTMENT OF CITY PLANNING-SITE SPECIFIC CONDITIONS

17. Density Bonus Residential Density. The project density shall be limited to the (T)(Q)C2-2D-O Zone, within the General Commercial category of the Wilshire Community Plan, and a 16 percent Density Bonus.

18. Affordable Units. A minimum of 7 units shall be reserved as Very Low Income units, and 6 units shall be reserved as Moderate Income units, for a total of 10 percent of the base dwelling units, as defined by the State Density Bonus Law 65915 (C)(2).

19. Changes in Restricted Units. Deviations that increase the number of restricted affordable units or that change the composition of units shall be consistent with LAMC Section 12.22-A,25.

20. Housing Requirements. Prior to issuance of a building permit, the owner shall execute a covenant to the satisfaction of the Los Angeles Housing and Community Investment Department (HCIDLA) to make 7 units available to Very Low Income Households and 6 units available to Moderate Income Households, for sale or rental as determined to be affordable to such households by HCIDLA for a period of 55 years. Enforcement of the terms of said covenant shall be the responsibility of HCIDLA. The applicant will present a copy of the recorded covenant to the Department of City Planning for inclusion in this file. The project shall comply with the Guidelines for the Affordable Housing Incentives Program adopted by the City Planning Commission and with any monitoring requirements established by the HCIDLA.

21. Residential Automobile Parking. Vehicle parking shall be provided consistent with LAMC Section 12.21-A,4 and with LAMC Section 12.22-A,25 Parking Option 1,

which requires 1 on-site parking space for each residential unit of 0-1 bedroom, 2 on-site parking spaces for each residential unit of 2-3 bedrooms, and 2½ on-site parking spaces for each residential unit of 4 or more bedrooms.

22. Adjustment of Parking. In the event that the number of Restricted Affordable Units should increase, or the composition of such units should change (i.e. the number of bedrooms), or the applicant selects another Parking Option (including Bicycle Parking Ordinance) and no other Condition of Approval or incentive is affected, then no modification of this determination shall be necessary, and the number of parking spaces shall be re-calculated by the Department of Building and Safety based upon the ratios set forth above.

23. Prior to the recordation of the final map, the subdivider shall prepare and execute a Covenant and Agreement (Planning Department General Form CP-6770) in a manner satisfactory to the Planning Department, binding the subdivider and all successors to the following:

    Limit the proposed development to one master ground lot and four airspace lots and 145 residential units.

    a. Off-street parking for residential and commercial uses shall comply with the requirements of Case No. CPC-2015-896-GPA-VZC-HD-MCUP-ZV-DB-SPR. In the event that Case No. CPC-2015-896-GPA-VZC-HD-MCUP-ZV-DB-SPR is not approved, the project shall comply with the following requirements:

       Provide a minimum of 2 covered off-street parking spaces per dwelling unit, plus 1/4 guest parking spaces per dwelling unit. All guest spaces shall be readily accessible, conveniently located, specifically reserved for guest parking, posted and maintained satisfactory to the Department of Building and Safety.

       Commercial parking shall comply with LAMC Section 12.24-A.

       Directions to guest parking spaces shall be clearly posted. Tandem parking spaces shall not be used for guest parking.

       In addition, prior to issuance of a building permit, a parking plan showing off-street parking spaces, as required by the Advisory Agency, be submitted for review and approval by the Department of City Planning (200 North Spring Street, Room 750).

    b. The applicant shall be required to landscape and maintain free of trash in perpetuity the existing median along La Cienega Boulevard, north of San Vicente Boulevard, and the four existing medians along San Vicente

Boulevard and Burton Way.

c. That a solar access report shall be submitted to the satisfaction of the Advisory Agency prior to obtaining a grading permit.

d. That the subdivider considers the use of natural gas and/or solar energy and consults with the Department of Water and Power and Southern California Gas Company regarding feasible energy conservation measures.

e. Recycling bins shall be provided at appropriate locations to promote recycling of paper, metal, glass, and other recyclable material.

f. The applicant shall install shielded lighting to reduce any potential illumination affecting adjacent properties.

24. Prior to the issuance of the building permit or the recordation of the final map, a copy of the CPC-2015-896-GPA-VZC-HD-MCUP-ZV-DB-SPR shall be submitted to the satisfaction of the Advisory Agency. In the event that CPC-2015-896-GPA-VZC-HD-MCUP-ZV-DB-SPR is not approved, the subdivider shall submit a tract modification.

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

Applicant shall do all of the following:

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

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

(iii) Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than $25,000. 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 <u>any</u> federal, state or local law.

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

DEPARTMENT OF CITY PLANNING-ENVIRONMENTAL MITIGATION MEASURES

26. <u>Prior to recordation of the final map</u> the subdivider shall prepare and execute a Covenant and Agreement (Department of City Planning General Form CP-6770) in a manner satisfactory to the Department of City Planning requiring the subdivider to

identify mitigation monitors who shall provide periodic status reports on the implementation of mitigation items required by Mitigation Condition Nos. **9**, **10**, **15**, **16**, and **28** of the Tract's approval satisfactory to the Advisory Agency. The mitigation monitors shall be identified as to their areas of responsibility, and phase of intervention (pre-construction, construction, post-construction/maintenance) to ensure continued implementation of the above mentioned mitigation items.

27. Prior to the recordation of the final map, the subdivider shall prepare and execute a Covenant and Agreement (Department of City Planning General Form CP-6770) in a manner satisfactory to the Department of City Planning, binding the subdivider and all successors to the following:

This Mitigation Monitoring Program ("MMP") has been prepared pursuant to Public Resources Code Section 21081.6, which requires a Lead Agency to adopt a "reporting or monitoring program for changes to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment." In addition, Section 15097(a) of the State CEQA Guidelines requires that:

> *In order to ensure that the mitigation measures and project revisions identified in the EIR or negative declaration are implemented, the public agency shall adopt a program for monitoring or reporting on the revisions which it has required in the project and measures it has imposed to mitigate or avoid significant environmental effects. A public agency may delegate reporting or monitoring responsibilities to another public agency or to a private entity which accepts the delegation; however, until mitigation measures have been completed the lead agency remains responsible for ensuring that implementation of the mitigation measures occurs in accordance with the program.*

The City of Los Angeles is the Lead Agency for the project and therefore is responsible for administering and implementing the MMP. Where appropriate, the project's Draft and Final EIRs identified mitigation measures and project design features to avoid or to mitigate potential impacts identified to a level where no significant impact on the environment would occur, or impacts would be reduced to the extent feasible. This MMP is designed to monitor implementation of the project's mitigation measures as well as its project design features.

As shown on the following pages, each required mitigation measure and proposed project design feature for the project is listed and categorized by impact area, with an accompanying identification of the following:

- **Enforcement Agency:** The agency with the power to enforce the Mitigation Measure/Project Design Feature.
- **Monitoring Agency:** The agency to which reports involving feasibility,

compliance, implementation and development are made.

- **Monitoring Phase:** The phase of the project during which the Mitigation Measure/Project Design Feature shall be monitored.
- **Monitoring Frequency:** The frequency at which the Mitigation Measure/Project Design Feature shall be monitored.
- **Action Indicating Compliance:** The action of which the Enforcement or Monitoring Agency indicates that compliance with the required Mitigation Measure/Project Design Feature has been implemented.

The project's MMP will be in place throughout all phases of the project. The project applicant will be responsible for implementing all mitigation measures unless otherwise noted. The applicant shall also be obligated to provide a certification report to the appropriate monitoring agency and the appropriate enforcement agency that compliance with the required mitigation measure or project design feature has been implemented. The City's existing planning, engineering, review, and inspection processes will be used as the basic foundation for the MMP procedures and will also serve to provide the documentation for the reporting program.

The certification report shall be submitted to the Major Project's Section at the Los Angeles Department of City Planning. Each report will be submitted to the Major Project's Section annually following completion/implementation of the applicable mitigation measures and project design features and shall include sufficient information and documentation (such as building or demolition permits) to reasonably determine whether the intent of the measure has been satisfied. The City, in conjunction with the applicant, shall assure that project construction and operation occurs in accordance with the MMP.

After review and approval of the final MMP by the City, minor changes and modifications to the MMP are permitted, but can only be made by the applicant subject to the approval by the City. The City, in conjunction with any appropriate agencies or departments, will determine the adequacy of any proposed changes or modification. The flexibility is necessary due to the nature of the MMP, the need to protect the environment in the most efficient manner, and the need to reflect changes in regulatory conditions, such as but not limited to changes to building code requirements, updates to LEED "Silver" standards, and changes in Secretary of Interior Standards. No changes will be permitted unless the MMP continues to satisfy the requirements of CEQA, as determined by the City.

28. **Mitigation Measures and Project Design Features**. The development of the project site is hereby bound to the following Mitigation Measures and Project Design Features, which are conditions of approval for the project.

Aesthetics

PDF AES-1: All light sources associated with project construction activities would be shielded and/or aimed so that no direct beam illumination would spill over outside of the project boundary. However, construction lighting shall not be so limited as to compromise the safety of construction workers.

Monitoring Phase:	Construction
Enforcement Agency:	Department of Building and Safety
Monitoring Agency:	Department of Building and Safety
Monitoring Frequency:	Periodic field visits
Action Indicating Compliance:	Field inspection sign-off

PDF AES-2: All outdoor lighting, including architectural lighting, would be designed and installed with shielding and directed toward the interior of the project site so that the light source does not project directly upon any adjacent property.

Monitoring Phase:	Operation
Enforcement Agency:	Department of Building and Safety
Monitoring Agency:	Department of Building and Safety
Monitoring Frequency:	Once, Prior to issuance of building permit
Action Indicating Compliance:	Issuance of building permits

PDF AES-3: The use of spotlights, floodlights, klieg lights, or similar high-intensity light source for outdoor lighting at the project site during construction would be prohibited.

Monitoring Phase:	Construction
Enforcement Agency:	Department of Building and Safety
Monitoring Agency:	Department of Building and Safety
Monitoring Frequency:	Periodic field inspections
Action Indicating Compliance:	Field inspection sign-off

PDF AES-4: Glass used in building facades would be anti-reflective or treated with

anti-reflective coating in order to minimize glare.

Monitoring Phase:	Construction, Operation
Enforcement Agency:	Department of Building and Safety
Monitoring Agency:	Department of Building and Safety
Monitoring Frequency:	Once, Prior to issuance of building permit
Action Indicating Compliance:	Issuance of building permits

Air Quality

PDF AQ-1: During the demolition phase, all on-site equipment greater than 50 horsepower (hp) shall meet, at a minimum, USEPA Tier IV interim engine certification requirements. As an alternative, the Applicant may opt to apply other available technologies to the construction equipment that would achieve a comparable reduction in PM emissions to that of Tier IV construction equipment. Where alternatives to USEPA Tier IV are chosen for the proposed project, the Applicant shall be required to show evidence to the City of Los Angeles that these alternative technologies would achieve comparable PM emissions reductions that are no less than what could be achieved by Tier IV construction equipment.

Monitoring Phase:	Construction
Enforcement Agency:	Department of Building and Safety
Monitoring Agency:	Department of Building and Safety
Monitoring Frequency:	Periodic field inspections during demolition phase
Action Indicating Compliance:	Field inspection sign-off

Cultural Resources

PDF CUL-1: In the event of the unanticipated discovery of archaeological materials, the contractor shall immediately cease all work activities in the area (within approximately 50 feet) of the discovery and notify the City of Los Angeles. The discovery shall be evaluated by a qualified archaeologist, defined as an archaeologist meeting the Secretary of Interior's Professional Qualification Standards for Archeology, who is obtained by contacting the California Historical Resources Information System – South Central Coastal Information Center at California State University, Fullerton, or the Register of Professional Archaeologists.

Construction shall not resume until the qualified archaeologist has conferred with the City of Los Angeles on the significance of the resource.

If it is determined that the discovered archaeological resource constitutes a historical resource or unique archaeological resource under CEQA, avoidance and preservation in place is the preferred manner of mitigation. In the event that preservation in place is demonstrated to be infeasible and data recovery through excavation is the only feasible mitigation available, an Archaeological Resources Treatment Plan (Plan) shall be prepared and implemented by a qualified archaeologist in consultation with the City of Los Angeles. The City of Los Angeles shall consult with appropriate Native American representatives in determining treatment for prehistoric or Native American resources to ensure cultural values ascribed to the resource, beyond that which is scientifically important, are considered. The Plan shall include provisions for the recovery and analysis of important data, reporting, and curation at an appropriate accredited facility. If a resource is determined to be a unique archaeological resource as defined in Section 21083.1(g), the provisions of Section 21083.2(b) shall apply.

Monitoring Phase:	Construction
Enforcement Agency:	Department of City Planning; Department of Building and Safety
Monitoring Agency:	Department of Building and Safety
Monitoring Frequency:	At time of resource discovery, should it occur
Action Indicating Compliance:	If unanticipated discoveries are found, submittal of compliance certification report by a qualified archaeologist

MM CUL-2: Prior to start of earthmoving activities, a qualified paleontologist meeting the Society of Vertebrate Paleontology (SVP) Standards shall be retained to conduct pre-construction worker paleontological resources sensitivity training. The training session shall focus on the recognition of the types of paleontological resources that could be encountered within the project site, procedures to be followed if they are found, pertinent laws protecting paleontological resources, and safety measures for working with paleontological monitors. The City of Los Angeles shall ensure that construction personnel are made available for and attend the training and retain documentation demonstrating attendance.

Monitoring Phase:	Pre-construction

Enforcement Agency:	Department of City Planning; Department of Building and Safety
Monitoring Agency:	Department of Building and Safety
Monitoring Frequency:	Once, prior to start of earthmoving activities
Action Indicating Compliance:	Submit sign-in/attendance sheet to the City of Los Angeles to ensure compliance

MM CUL-3: The qualified paleontologist, or a paleontological monitor working under the direct supervision of the qualified paleontologist, shall monitor all ground-disturbing activity below a depth of three feet below the existing ground surface. The location, duration, and timing of monitoring shall be determined by the qualified paleontologist in consultation with the Applicant, and shall be based on a review of geologic maps and grading plans. Monitors shall have the authority to temporarily halt or divert work away from exposed fossils in order to safely and expediently recover the fossil specimens. Any significant fossils collected during project-related excavations shall be prepared to the point of identification, cataloged, and curated into an accredited repository with retrievable storage. The qualified paleontologist, based on observations of subsurface soil stratigraphy or other factors, may reduce or discontinue monitoring, as warranted, if the qualified paleontologist determines that the possibility of encountering fossiliferous deposits is low. Monitors shall prepare daily logs detailing the types of activities and soils observed, and any discoveries. The qualified paleontologist shall prepare a final monitoring and mitigation report to be submitted to the City of Los Angeles and filed at the local repository. The final report should include but not be limited to an introduction of the project; methods; applicable laws, ordinances, regulations, and standards; institution/agency record search results; monitoring and mitigation results; and recommendations.

Monitoring Phase:	Construction
Enforcement Agency:	Department of City Planning; Department of Building and Safety
Monitoring Agency:	Department of Building and Safety
Monitoring Frequency:	During excavation and grading at a frequency

	determined in consultation with a qualified paleontologist and at time of resource discovery, should it occur
Action Indicating Compliance:	Submittal of a final monitoring and mitigation report to the City of Los Angeles by the qualified paleontologist

MM CUL-4: If construction or other project personnel discover any potential fossils during construction, regardless of the depth of work or location, work within 50 feet of the discovery location shall cease until the qualified paleontologist has assessed the discovery and made recommendations as to the appropriate treatment as required by CUL-3.

Monitoring Phase:	Construction
Enforcement Agency:	Department of Building and Safety
Monitoring Agency:	Department of Building and Safety
Monitoring Frequency:	At time of resource discovery, should it occur
Action Indicating Compliance:	If unanticipated discoveries are found, submittal of compliance certification report by a qualified paleontologist

PDF CUL-5: At least 30 days prior to the start of ground disturbance, the Applicant shall retain a Native American monitor listed on the Native American Heritage Commission contact list as traditionally and culturally affiliated with the project area to observe all ground-disturbing activities (including but not limited to pavement removal, potholing, auguring, boring, grading, excavation, and trenching). In the event that tribal cultural resources are encountered, the contractor shall immediately cease all work activities in the area (within approximately 50 feet) and notify the City of Los Angeles who will implement treatment measures in consultation with the Native American monitor to reduce impacts to tribal cultural resources were they to occur as a result of a discovery. Construction shall not resume until treatment measures are implemented and concluded. The qualified Native American monitor shall prepare a final monitoring and mitigation report to be submitted to the City of Los Angeles and filed at the local repository. The final report should include but not be limited to an introduction of the project; methods; applicable laws, ordinances,

regulations, and standards; institution/agency record search results; monitoring and mitigation results; and recommendations.

Monitoring Phase:	Pre-construction
Enforcement Agency:	Department of Building and Safety
Monitoring Agency:	Department of City Planning
Monitoring Frequency:	Periodic during excavation and grading and at time of resource discovery, should it occur
Action Indicating Compliance:	Submittal of a final monitoring and mitigation report to the City of Los Angeles by the Native American monitor

Geology and Soils

PDF GEO-1: Once the Applicant has prepared a site-specific, design-level geotechnical study for the proposed project to supplement the preliminary, predevelopment geotechnical investigation, the study will be reviewed by the City. The study shall be prepared by a registered geotechnical engineer and shall include recommendations applicable to foundation design, earthwork, shoring and site preparation that will minimize the effects of anticipated ground shaking and any other identified geologic hazards. The analysis shall include measures to reduce the potential to expose people or structures to the risk of loss, injury or death to acceptable levels as established in the CBC and City ordinances. The analyses shall be prepared in accordance with applicable City ordinances and policies and consistent with the most recent version of the California Building Code (CBC), Seismic Hazards Mapping Act, and Zone 4 requirements, which requires structural design that can mitigate potential risks from expansive soils, liquefaction hazards, and ground accelerations expected from known active faults to acceptable levels. The following measures designed to reduce the potential for liquefaction hazards would include, but not be limited to:

- Subsurface soil improvement, such as by removal and replacement of soil, compaction, or mixing;
- Deep foundations extending below the liquefiable layers;
- Mitigation for liquefaction hazards suggested by CGS Guidelines for Evaluating and Mitigating Seismic Hazards (CGS Special Publication 117A)

including edge containment structures, removal or treatment of liquefiable soils, modification of site geometry, lowering the groundwater table, in-situ ground densification, deep foundations, reinforced shallow foundations, and structural design that can withstand predicted displacements.

Implementation of these features, and those contained in the geotechnical report shall use proven methods, generally accepted by registered engineers, to reduce the risk for geologic hazards, such as those from ground-failure, liquefaction, and expansive soils.

Project plans for foundation design, earthwork, and site preparation shall incorporate all of the measures in the investigation. The City of Los Angeles shall review and approve the investigation and recommended measures and shall require compliance with the recommended measures in the plans for grading, foundation, structural, and any other relevant building permits.

Monitoring Phase:	Pre-construction
Enforcement Agency:	Department of Building and Safety
Monitoring Agency:	Department of Building and Safety
Monitoring Frequency:	Once, Prior to issuance of building permit
Action Indicating Compliance:	Completion and approval of geotechnical report, Issuance of building permits

Greenhouse Gas Emissions

PDF GHG-1: The project would encourage carpooling and the use of electric vehicles by providing that at least 20 percent of the total code-required parking spaces provided for all types of parking facilities, but in no case less than one location, shall be capable of supporting future electric vehicle supply equipment (EVSE). Plans shall indicate the proposed type and location(s) of EVSE and also include raceway method(s), wiring schematics and electrical calculations to verify that the electrical system has sufficient capacity to simultaneously charge all electric vehicles at all designated EV charging locations at their full rated amperage. Plan design shall be based upon Level 2 or greater EVSE at its maximum operating capacity. Only raceways and related components are required to be installed at the time of construction. When the application of the 20 percent results in a fractional space, round up to the next whole number. A label stating "EV CAPABLE" shall be posted in a conspicuous place at the service panel or subpanel and next to the

raceway termination point.

At least 5 percent of the total code-required parking spaces shall be equipped with EV charging stations. Plans shall indicate the proposed type and location(s) of charging stations. Plan design shall be based on Level 2 or greater EVSE at its maximum operating capacity. When the application of the 5 percent requirement results in a fractional space, round up to the next whole number.

Monitoring Phase:	Pre-Construction/ Construction
Enforcement Agency:	Department of City Planning; Department of Building and Safety
Monitoring Agency:	Department of City Planning
Monitoring Frequency:	Once, Prior to issuance of building permit
Action Indicating Compliance:	Issuance of building permits

Hazards and Hazardous Materials

MM HAZ-1: Prior to building demolition, a Toxicity Characteristic Leaching Procedure analysis must be performed to determine the method of building material disposal.

Monitoring Phase:	Pre-construction
Enforcement Agency:	Department of Building and Safety
Monitoring Agency:	Department of Building and Safety
Monitoring Frequency:	Once prior demolition, Prior to issuance of building permit
Action Indicating Compliance:	Issuance of building permits

MM HAZ-2: The exterior of the existing building must be characterized for disposal in the State of California prior to demolition. As described in Mitigation Measure HAZ-1, a Toxicity Characteristic Leaching Procedure analysis must be performed to determine the method of disposal. Identified lead based paint (LBP) shall be removed by a LBP abatement contractor prior to building demolition. The LBP

abatement contractor shall have the proper lead training and wear personal protective equipment during LBP removal. In addition, the proposed project would be required to comply with California Occupational Safety and Health Administration (Cal/OSHA) regulations regarding lead-based paints. The California Code of Regulations, Section 1532.1, requires testing, monitoring, containment, and disposal of lead-based paints and materials, such that exposure levels do not exceed Cal/OSHA standards. The contractor shall follow all procedural requirements and regulations for proper removal and disposal of lead-based paints.

Monitoring Phase:	Construction
Enforcement Agency:	Department of Building and Safety
Monitoring Agency:	Department of Building and Safety
Monitoring Frequency:	Periodic field inspections
Action Indicating Compliance:	Field inspection sign-off

MM HAZ-3: Prior to the issuance of a grading permit, the construction contractor shall demonstrate that they have retained a qualified environmental professional to prepare and implement a site-specific Health and Safety Plan in accordance with federal Occupational Safety and Health Administration (OSHA) regulations (29 CFR 1910.120) and California Division of Occupational Safety and Health Administration (Cal/OSHA) regulations (8 CCR Title 8, Section 5192). The Health and Safety Plan shall be submitted to the City for review and approval. The Health and Safety Plan shall include all required measures to protect construction workers and the general public potentially exposed to hazardous materials by including engineering controls, monitoring, and security measures to prevent unauthorized entry to the construction area and to reduce hazards outside of the construction area. If prescribed contaminant exposure levels are exceeded, personal protective equipment shall be required for workers in accordance with state and federal regulations. The plan shall include designated personnel responsible for implementation of the Health and Safety Plan. Submittal of the Health and Safety Plan to the City shall not be construed as approval of the adequacy of the contractor's health and safety professional, the contractor's plan, or any safety measure taken in or near the construction site. The contractor shall be solely and fully responsible for compliance with all laws, rules, and regulations applicable to health and safety during the performance of the construction work.

Monitoring Phase:	Pre-construction
Enforcement Agency:	Department of Building and Safety
Monitoring Agency:	Department of Building

	and Safety
Monitoring Frequency:	Once prior to construction, Prior to issuance of building permit
Action Indicating Compliance:	Approval of Health and Safety Plan, Issuance of building permits

MM HAZ-4: Prior to the issuance of a grading permit, the City shall require the construction contractor to prepare and implement a Soil and Groundwater Management Plan, subject to review by the City that specifies the method for handling and disposal of contaminated soil and groundwater prior to demolition, excavation, and construction activities. The plan shall include all necessary procedures to ensure that excavated materials and fluids generated during construction are stored, managed, and disposed of in a manner that is protective of human health and in accordance with applicable laws and regulations. The plan shall include the following information.

- Step-by-step procedures for evaluation, handling, stockpiling, storage, testing, and disposal of excavated material, including criteria for reuse and offsite disposal. All excavated materials shall be inspected prior to initial stockpiling, and spoils that are visibly stained and/or have a noticeable odor shall be stockpiled separately to minimize the amount of material that may require special handling.

  To ensure appropriate containment of excavated materials, the excavated affected soils that exceed state hazardous waste criteria would be placed in lined, sealed containers or wrapped and enclosed by tarps and transported by licensed hazardous waste haulers and disposed of at a licensed hazardous waste management facility approved for the specific hazardous materials to be disposed of. The contractor shall follow all procedural requirements and regulations for proper removal and disposal of affected soils.

- Procedures to be implemented if unknown subsurface conditions or contamination are encountered, such as previously unreported tanks, wells, or contaminated soils.

- Detailed control measures for use and storage of hazardous materials to prevent the release of pollutants to the environment, and emergency procedures for the containment and cleanup of accidental releases of hazardous materials to minimize the impacts of any such release. These procedures shall also include reporting requirements in the event of a reportable spill or other emergency incident. At a minimum, the City or its

contractor shall notify applicable agencies in accordance with guidance from the California Office of Emergency Services as well as the Los Angeles County Certified Unified Program Agency (CUPA) or County of Los Angeles Fire Department.

- Procedures for containment, handling and disposal of groundwater generated from construction dewatering, the method used to analyze groundwater for hazardous materials likely to be encountered at specific locations and the appropriate treatment and/or disposal methods.

Monitoring Phase:	Pre-construction
Enforcement Agency:	Department of Building and Safety
Monitoring Agency:	Department of Building and Safety
Monitoring Frequency:	Once prior to construction, Prior to issuance of building permit
Action Indicating Compliance:	Completion and implementation of Soil and Groundwater Management Plan; Issuance of building permits

MM HAZ-5: The Applicant shall comply with the administrative procedures of Ordinance No. 175790, Methane Seeping Regulations, and Ordinance No. 161552 of the Los Angeles Municipal Code, establishing a High Potential Methane Zone in the Fairfax area of the City of Los Angeles.

Monitoring Phase:	Pre-construction
Enforcement Agency:	Department of City Planning; Department of Building and Safety
Monitoring Agency:	Department of Building and Safety
Monitoring Frequency:	Once, Prior to issuance of building permit
Action Indicating Compliance:	Issuance of building permits

MM HAZ-6: The project site is located within a methane gas zone and shall be required to comply with the administrative procedures of Ordinance No. 175790, Methane Seeping Regulations. Specifically, prior to construction the project shall

comply with the following measures:

- All commercial buildings shall be provided with an approved Methane Control System, which shall include these minimum requirements: a vent system and gas-detection system which shall be installed in the basements or the lowest floor level on grade. The gas detection system shall be designed to automatically activate the vent system when an action level equal to 25% of the Lower Explosive Limit (LEL) methane concentration is detected within those areas.

- All commercial and multiple residential buildings covering over 50,000 square feet of lot area or with more than one level of basement shall be independently analyzed by a qualified engineer, as defined in Section 91.7102 of the Municipal Code, hired by the building owner. The engineer shall investigate and recommend mitigation measures which will prevent or retard potential methane gas seepage into the building. In addition to the other items listed in this section, the owner shall implement the engineer's design recommendations subject to Department of Building and Safety and Fire Department approval.

- All multiple residential buildings shall have adequate ventilation as defined in Section 91.7102 of the Municipal Code of a gas-detection system installed in the basement or on the lowest floor level on grade, and within the underfloor space in buildings with raised foundations.

Monitoring Phase:	Pre-Construction
Enforcement Agency:	Department of Building and Safety and Los Angeles Fire Department
Monitoring Agency:	Department of Building and Safety
Monitoring Frequency:	Once, Prior to issuance of building permit
Action Indicating Compliance:	Approval of Methane Control System, Issuance of building permits

Hydrology and Water Quality

MM HYD-1: In the event that a permanent dewatering system is necessary for the proposed project, the Department of Building and Safety shall require the following measures:

- Pumping water to a beneficial use on site such as landscape irrigation or decorative fountains or lakes; or

- Return water to the groundwater basin by an injection well.

Monitoring Phase:	Pre-construction
Enforcement Agency:	Department of Building and Safety
Monitoring Agency:	Department of Building and Safety
Monitoring Frequency:	Once, Prior to issuance of building permit
Action Indicating Compliance:	Issuance of building permits

MM HYD-2: In the event that temporary and/or permanent groundwater dewatering activities or interceptions to aquifers are required for project construction, a groundwater hydrology report shall be required to assess and approximate the drawdown amount in the groundwater table that such dewatering will cause and to disclose the spatial limits of dewatering and aquifer interception impacts.

Monitoring Phase:	Pre-construction, Construction
Enforcement Agency:	Department of Building and Safety
Monitoring Agency:	Department of Building and Safety
Monitoring Frequency:	Completion of groundwater hydrology report, Prior to issuance of building permit
Action Indicating Compliance:	Issuance of building permits

MM HYD-3: In the event that temporary and/or permanent groundwater dewatering activities are required, the project Applicant shall file a Report of Waste Discharge with the Los Angeles Regional Water Quality Control Board, which is used to start the application process for all discharge requirements and will determine what permit the project will require to cover its dewatering discharges (either to surface water or groundwater). Coverage under the permit specified in the Regional Water Quality Board's response to the Report of Waste Discharge shall be obtained prior to Project construction, and the Applicant shall adhere to all requirements of the approved permit to ensure either surface water quality, groundwater quality or both

are not impacted by dewatering activities.

Monitoring Phase:	Pre-construction
Enforcement Agency:	Department of Building and Safety
Monitoring Agency:	Department of Building and Safety
Monitoring Frequency:	Once prior to construction in the event that temporary and/or permanent groundwater dewatering activities are required, Prior to issuance of building permit
Action Indicating Compliance:	Permit specified in the Regional Water Quality Board's response to the Report of Waste Discharge, Issuance of building permits

PDF HYD-4: All new sidewalks along the project's street frontages shall be paved with pervious (permeable) concrete or interlocking pavers to increase the opportunity for stormwater infiltration on the project site.

Monitoring Phase:	Construction
Enforcement Agency:	Department of Building and Safety
Monitoring Agency:	Department of Building and Safety
Monitoring Frequency:	Once, after construction is complete.
Action Indicating Compliance:	Field inspection sign-off.

Noise

MM NOI-1: Construction activities shall be restricted to the hours of 7:00 a.m. to 4:00 p.m. Monday through Friday, 8:00 a.m. to 3:30 p.m. on Saturdays or national holidays, and shall be prohibited at any time on Sundays.

Monitoring Phase:	Construction
Enforcement Agency:	Department of Building

	and Safety
Monitoring Agency:	Department of Building and Safety
Monitoring Frequency:	Periodic field inspections
Action Indicating Compliance:	Field inspection sign-off

MM NOI-2: All mobile off-road construction equipment operating at the project site shall be equipped with properly operating mufflers.

Monitoring Phase:	Construction
Enforcement Agency:	Department of Building and Safety
Monitoring Agency:	Department of Building and Safety
Monitoring Frequency:	Periodic field inspections
Action Indicating Compliance:	Field inspection sign-off

MM NOI-3: The construction contractor(s) shall locate stationary construction noise sources as far as possible from noise-sensitive uses, to the extent feasible, and ensure that they are muffled and enclosed within temporary sheds, or incorporate insulation barriers, or other measures to the extent feasible. All construction equipment engines shall be properly tuned and muffled according to manufacturers' specifications. The project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices and shall include the use of plug-in electrical or solar-powered generators.

Monitoring Phase:	Construction
Enforcement Agency:	Department of Building and Safety
Monitoring Agency:	Department of Building and Safety
Monitoring Frequency:	Periodic field inspections
Action Indicating Compliance:	Field inspection sign-off

MM NOI-4: Construction activities associated with the proposed project shall, to the extent feasible, be scheduled so as to avoid operating several pieces of equipment simultaneously, which causes high noise levels. When the use of impact tools are necessary, they shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools. Where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used and external jackets on the tools themselves

shall be used where feasible.

Monitoring Phase:	Construction
Enforcement Agency:	Department of Building and Safety
Monitoring Agency:	Department of Building and Safety
Monitoring Frequency:	Periodic field inspections
Action Indicating Compliance:	Field inspection sign-off

MM NOI-5: A temporary sound barrier at least eight feet in height shall be erected along the project site's western and southern property lines to minimize the amount of project construction noise to the maximum extent feasible at the Westbury Terrace condominium tower and Our Lady of Mount Lebanon-St. Peter Cathedral to the west, the multi-family residential buildings to the southeast, and the mixed-use residential/retail building to the south.

Monitoring Phase:	Construction
Enforcement Agency:	Department of Building and Safety
Monitoring Agency:	Department of Building and Safety
Monitoring Frequency:	Periodic field inspections
Action Indicating Compliance:	Field inspection sign-off

MM NOI-6: All loading and unloading activities at the project site shall be located on-site and away from noise-sensitive uses.

Monitoring Phase:	Construction
Enforcement Agency:	Department of Building and Safety
Monitoring Agency:	Department of Building and Safety
Monitoring Frequency:	Periodic field inspections
Action Indicating Compliance:	Field inspection sign-off

MM NOI-7: The Applicant shall designate a construction relations officer to serve as a liaison with surrounding residents and property owners who is responsible for responding to any concerns regarding construction noise and vibration. The liaison's telephone number(s) shall be prominently displayed at the project site. Signs shall also be posted at the project site that includes permitted construction days and

hours.

Monitoring Phase:	Construction
Enforcement Agency:	Department of Building and Safety
Monitoring Agency:	Department of Building and Safety
Monitoring Frequency:	Periodic field inspections
Action Indicating Compliance:	Field inspection sign-off

MM NOI-8: The operation of construction equipment that generates high levels of vibration, such as large bulldozers and loaded trucks, shall be prohibited within 10 feet of existing retail structures located directly north of the project site during project construction. Small bulldozers not exceeding 310 horsepower shall be used within 10 feet of the existing retail structures located directly north of the project site during demolition, grading, and excavation operations. The use of smaller bulldozers would result in vibration levels of 0.38 inches per second peak particle velocity (PPV) at these retail uses to the north of the project site, which would not exceed Caltrans' vibration criteria of 0.5 inches per second PPV for continuous/frequent intermittent vibration sources.

Monitoring Phase:	Construction
Enforcement Agency:	Department of Building and Safety
Monitoring Agency:	Department of Building and Safety
Monitoring Frequency:	Periodic field inspections
Action Indicating Compliance:	Field inspection sign-off

MM NOI-9: All construction equipment engines shall be properly tuned and muffled according to manufacturers' specifications. The project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices and shall include the use of solar-powered generators.

Monitoring Phase:	Construction
Enforcement Agency:	Department of Building and Safety
Monitoring Agency:	Department of Building and Safety
Monitoring Frequency:	Periodic field inspections
Action Indicating Compliance:	Field inspection sign-off

Transportation and Circulation

PDF TR-1: A Construction Traffic Management Plan (CTMP) shall be prepared by the project applicant and submitted to the LADOT for review and approval. In addition, the CTMP shall be submitted to the City of Beverly Hills and emergency service providers for review to ensure that adequate access is maintained to the project site and neighboring businesses during construction. Any lane closures on La Cienega Boulevard shall also be reported to the County of Los Angeles Emergency Management Information System (EMIS). The CTMP would formalize how construction would be carried out and identify actions that would be required to reduce effects on the surrounding community. The CTMP shall include street closure information, a detour plan, haul routes, and a staging plan, as well as the following elements, as appropriate:

- Identify the specific haul route for trucks and include locations of off-site truck staging and detail measures to ensure trucks do not travel through nearby residential neighborhoods.

- Ensure haul route is in compliance with the City of Beverly Hills and City of Los Angeles heavy haul regulations.

- Identify locations in the immediate project vicinity where construction workers could park their vehicles during project construction. The chosen location shall be located in a nearby commercial area and not in a residential neighborhood.

- Construction related deliveries, haul trips, etc., shall be scheduled to occur outside the commuter peak hours (between 7:00 a.m. and 10:00 a.m. and between 3:00p.m. and 6:00 p.m.) to the extent feasible.

- Establish requirements for:

    - The temporary removal of street parking spaces along San Vicente Boulevard during construction to minimize disruption to available parking. Measures would include, but not be limited to, posting signs that indicate the length of closure and dates of construction. In addition, the Applicant would be required to ensure that the temporary removal of street parking is conducted in coordination with the Los Angeles Department of Transportation (LADOT).

    - The temporary closure of travel lanes during construction to minimize interference with vehicular movement. Measures would include, but not be limited to, posting signs that indicate the length of temporary

lane closure, instructions for the rerouting of vehicular traffic, and the dates of construction. In addition, the Applicant would coordinate with LADOT on temporary street closures to ensure that impeded vehicular movement on the streets surrounding the project site is minimized.

- The closure and diversion of transit stops during project construction to minimize interference with transit access. Measures would include, but not be limited to, posting signs that direct transit passengers to the location of the relocated Metro Local Route 105 and Metro Rapid Route 705 bus stops and specify the effective dates of the relocation, and the rerouting of service, if necessary. In addition, the Applicant would be required to coordinate with Metro to ensure that access to transit services in the neighborhood is maintained during project construction.

- The closure or diversion of pedestrian facilities along La Cienega Boulevard and San Vicente Boulevard during project construction to ensure the safety of pedestrians and access to local businesses. Measures would include, but not be limited to, rerouting pedestrian traffic to ensure that access to the neighborhood and businesses is maintained during project construction, sheltered pedestrian lanes, posting signs that would direct pedestrians through temporary detours, and specify the effective dates of such detours. In addition, the Applicant would be required to coordinate with LADOT to ensure that pedestrian access is maintained during project construction.

- Coordinate with the City, City of Beverly Hills, and emergency service providers to ensure adequate access is maintained to the project site and neighboring businesses. The CTMP shall include a detour plan for emergency access along La Cienega Boulevard that is maintained at all times during project construction.

- Notify all emergency service providers and the County of Los Angeles EMIS of the CTMP after approval by LADOT and prior to construction.

Monitoring Phase:	Pre-construction, Construction
Enforcement Agency:	Department of Building and Safety
Monitoring Agency:	Los Angeles Department of Transportation
Monitoring Frequency:	Periodic field inspections

Action Indicating Compliance:	Approval of Construction Traffic Management Plan, Field inspection sign-off

29. **Construction Mitigation Conditions** - Prior to the issuance of a grading or building permit, or the recordation of the final map, the subdivider shall prepare and execute a Covenant and Agreement (Planning Department General Form CP-6770) in a manner satisfactory to the Planning Department, binding the subdivider and all successors to the following:

CM-1. That a sign be required on site clearly stating a contact/complaint telephone number that provides contact to a live voice, not a recording or voice mail, during all hours of construction, the construction site address, and the tract map number. YOU ARE REQUIRED TO POST THE SIGN 7 DAYS BEFORE CONSTRUCTION IS TO BEGIN.

a. Locate the sign in a conspicuous place on the subject site or structure (if developed) so that the public can easily read it. The sign must be sturdily attached to a wooden post if it will be freestanding.

b. Regardless of who posts the site, it is always the responsibility of the applicant to assure that the notice is firmly attached, legible, and remains in that condition throughout the entire construction period.

c. If the case involves more than one street frontage, post a sign on each street frontage involved. If a site exceeds five (5) acres in size, a separate notice of posting will be required for each five (5) acres, or portion thereof. Each sign must be posted in a prominent location.

CM-2. All unpaved demolition and construction areas shall be wetted at least twice daily during excavation and construction, and temporary dust covers shall be used to reduce dust emissions and meet SCAQMD District Rule 403. Wetting could reduce fugitive dust by as much as 50 percent.

CM-3. The owner or contractor shall keep the construction area sufficiently dampened to control dust caused by construction and hauling, and at all times provide reasonable control of dust caused by wind.

CM-4. All loads shall be secured by trimming, watering or other appropriate means to prevent spillage and dust.

CM-5. All materials transported off-site shall be either sufficiently watered or securely covered to prevent excessive amount of dust.

CM-6. All clearing, earth moving, or excavation activities shall be discontinued during periods of high winds (i.e., greater than 15 mph), so as to prevent excessive amounts of dust.

CM-7. General contractors shall maintain and operate construction equipment so as to minimize exhaust emissions.

CM-8. The project shall comply with the City of Los Angeles Noise Ordinance Nos. 144,331 and 161,574, and any subsequent ordinances, which prohibit the emission or creation of noise beyond certain levels at adjacent uses unless technically infeasible.

CM-9. Construction and demolition shall be restricted to the hours of 7:00 am to 6:00 pm Monday through Friday, and 8:00 am to 6:00 pm on Saturday.

CM-10. Construction and demolition activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously, which causes high noise levels.

CM-11. The project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices.

CM-12. The project sponsor shall comply with the Noise Insulation Standards of Title 24 of the California Code Regulations, which insure an acceptable interior noise environment.

CM-13. Excavation and grading activities shall be scheduled during dry weather periods. If grading occurs during the rainy season (October 15 through April 1), construct diversion dikes to channel runoff around the site. Line channels with grass or roughened pavement to reduce runoff velocity.

CM-14. Incorporate appropriate erosion control and drainage devices to the satisfaction of the Building and Safety Department shall be incorporated, such as interceptor terraces, berms, vee-channels, and inlet and outlet structures, as specified by Section 91.7013 of the Building Code, including planting fast-growing annual and perennial grasses in areas where construction is not immediately planned. These will shield and bind the soil.

CM-15. Stockpiles and excavated soil shall be covered with secured tarps or plastic sheeting.

CM-16. All waste shall be disposed of properly. Use appropriately labeled recycling bins to recycle construction materials including: solvents, water-based paints, vehicle fluids, broken asphalt and concrete, wood, and vegetation.

Non-recyclable materials/wastes must be taken to an appropriate landfill. Toxic wastes must be discarded at a licensed regulated disposal site.

CM-17. Clean up leaks, drips and spills immediately to prevent contaminated soil on paved surfaces that can be washed away into the storm drains.

CM-18. Do not hose down pavement at material spills. Use dry cleanup methods whenever possible.

CM-19. Cover and maintain dumpsters. Place uncovered dumpsters under a roof or cover with tarps or plastic sheeting.

CM-20. Use gravel approaches where truck traffic is frequent to reduce soil compaction and limit the tracking of sediment into streets.

CM-21. Conduct all vehicle/equipment maintenance, repair, and washing away from storm drains. All major repairs are to be conducted off-site. Use drip pans or drop cloths to catch drips and spills.

DEPARTMENT OF CITY PLANNING - STANDARD COMMERCIAL CONDOMINIUM CONDITIONS

CC-1. Prior to obtaining any grading or building permits before the recordation of the final map, a landscape plan, prepared by a licensed landscape architect, shall be submitted to and approved by the Advisory Agency in accordance with CP-6730.

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

CC-2. In order to expedite the development, the applicant may apply for a building permit for a commercial/residential building. However, prior to issuance of a building permit for a commercial/residential building, the registered civil engineer, architect or licensed land surveyor shall certify in a letter to the Advisory Agency that all applicable tract conditions affecting the physical design of the building and/or site, have been included into the building plans. Such letter is sufficient to clear this condition. In addition, all of the applicable tract conditions shall be stated in full on the building plans and a copy of the plans shall be reviewed and approved by the Advisory Agency prior to submittal to the Department of Building and Safety for a building permit.

OR

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

BUREAU OF ENGINEERING - STANDARD CONDITIONS

S-1. (a) That the sewerage facilities charge be deposited prior to recordation of the final map over all of the tract in conformance with Section 64.11.2 of the LAMC.

(b) That survey boundary monuments be established in the field in a manner satisfactory to the City Engineer and located within the California Coordinate System prior to recordation of the final map. Any alternative measure approved by the City Engineer would require prior submission of complete field notes in support of the boundary survey.

(c) That satisfactory arrangements be made with both the Water System and the Power System of the Department of Water and Power with respect to water mains, fire hydrants, service connections and public utility easements.

(d) That any necessary sewer, street, drainage and street lighting easements be dedicated. In the event it is necessary to obtain off-site easements by separate instruments, records of the Bureau of Right-of-Way and Land shall verify that such easements have been obtained. The above requirements do not apply to easements of off-site sewers to be provided by the City.

(e) That drainage matters be taken care of satisfactory to the City Engineer.

(f) That satisfactory street, sewer and drainage plans and profiles as required, together with a lot grading plan of the tract and any necessary topography of adjoining areas be submitted to the City Engineer.

(g) That any required slope easements be dedicated by the final map.

(h) That each lot in the tract complies with the width and area requirements of the Zoning Ordinance.

(i) That 1-foot future streets and/or alleys be shown along the outside of incomplete public dedications and across the termini of all dedications

abutting unsubdivided property. The 1-foot dedications on the map shall include a restriction against their use of access purposes until such time as they are accepted for public use.

(j) That any 1-foot future street and/or alley adjoining the tract be dedicated for public use by the tract, or that a suitable resolution of acceptance be transmitted to the City Council with the final map.

(k) That no public street grade exceeds 15%.

(l) That any necessary additional street dedications be provided to comply with the Americans with Disabilities Act (ADA) of 1990.

S-2. That the following provisions be accomplished in conformity with the improvements constructed herein:

(a) Survey monuments shall be placed and permanently referenced to the satisfaction of the City Engineer. A set of approved field notes shall be furnished, or such work shall be suitably guaranteed, except where the setting of boundary monuments requires that other procedures be followed.

(b) Make satisfactory arrangements with the Department of Transportation with respect to street name, warning, regulatory and guide signs.

(c) All grading done on private property outside the tract boundaries in connection with public improvements shall be performed within dedicated slope easements or by grants of satisfactory rights of entry by the affected property owners.

(d) All improvements within public streets, private street, alleys and easements shall be constructed under permit in conformity with plans and specifications approved by the Bureau of Engineering.

(e) Any required bonded sewer fees shall be paid prior to recordation of the final map.

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

(a) Construct on-site sewers to serve the tract as determined by the City Engineer.

(b) Construct any necessary drainage facilities.

(c) Install street lighting facilities to serve the tract as required by the Bureau of Street Lighting.

IMPROVEMENT CONDITION: No street lighting improvements if no street widening per BOE improvement conditions. Otherwise relocate and upgrade streetlights: five (5) on San Vicente Boulevard and four (4) on La Cienega Boulevard.

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

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

(d) Plant street trees and remove any existing trees within dedicated streets or proposed dedicated streets as required by the Street Tree Division of the Bureau of Street Maintenance. All street tree plantings shall be brought up to current standards. When the City has previously been paid for tree planting, the subdivider or contractor shall notify the Street Tree Division (213-485-5675) upon completion of construction to expedite tree planting.

(e) Repair or replace any off-grade or broken curb, gutter and sidewalk satisfactory to the City Engineer.

(f) Construct access ramps for the handicapped as required by the City Engineer.

(g) Close any unused driveways satisfactory to the City Engineer.

(h) Construct any necessary additional street improvements to comply with the Americans with Disabilities Act (ADA) of 1990.

(i) That the following improvements be either constructed prior to recordation of the final map or that the construction be guaranteed:

a) Improve San Vicente Boulevard adjoining the subdivision by the construction of the following:

(1) Concrete curbs, concrete gutters, and a concrete sidewalk with

tree wells. Landscaping areas may be provided satisfactory to the City Engineer.

(2) Suitable surfacing to join the existing pavement to the roadway.

(3) Construct an access ramp at the intersection with La Cienega Boulevard to comply with ADA requirements.

(4) Any necessary removal and reconstruction of existing improvements.

(5) The necessary transitions to join the existing improvements all satisfactory to the City Engineer.

NOTES:

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

Approval from Board of Public Works may be necessary before removal of any street trees in conjunction with the improvements in this tract map through Bureau of Street Services Urban Forestry Division.

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

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

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

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

FINDINGS OF FACT (CEQA)

I. INTRODUCTION

The Environmental Impact Report (EIR), consisting of the Draft EIR and the Final EIR, is intended to serve as an informational document for public agency decision-makers and the general public regarding the objectives and components of the project at 333 S. La Cienega Boulevard, Los Angeles. CRM Properties (project applicant) filed a Master Land Use Application with the City of Los Angeles (City) on March 4, 2015.

II. ENVIRONMENTAL DOCUMENTATION BACKGROUND

The project was reviewed by the Los Angeles Department of City Planning, Environmental Analysis Section (serving as Lead Agency) in accordance with the requirements of the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.). The City prepared an Initial Study in accordance with Section 15063(a) of the State CEQA Guidelines. 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 January 25, 2016 and ending February 25, 2016. The purpose of the NOP was to formally inform the public that the City was preparing a Draft EIR for the project, and to solicit input regarding the scope and content of the environmental information to be included in the Draft EIR.

In addition, a public scoping meeting was conducted on February 16, 2016, to further inform the public agencies and other interested parties of the project and to solicit input regarding the Draft EIR. The meeting provided interested individuals, groups, and public agencies the opportunity to provide oral and written comments to the Lead Agency regarding the scope and focus of the Draft EIR as described in the NOP and Initial Study. Written comment letters responding to the NOP were submitted to the City by public agencies and interested organizations. Comment letters were received from four public agencies. In addition, written comments were provided by 20 interested organizations and/or individuals via mail, email or submittal at the NOP scoping meeting. The NOP letters and comments received during the comment period, as well as comment sheets from the public scoping meeting, are included in Appendix A-2 and A-3 of the Draft EIR.

The Draft EIR evaluated in detail the potential effects of the project. It also analyzed the effects of a reasonable range of three alternatives to the project, including a "No Project" alternative. The Draft EIR for the project (State Clearinghouse No. 2016011061), incorporated herein by reference in full, was prepared pursuant to CEQA and State, Agency, and City CEQA Guidelines (Pub. Resources Code § 21000, et seq.; 14 Cal. Code Regs. §15000, et seq.; City of Los Angeles

Environmental Quality Act Guidelines). The Draft EIR was circulated for a 47-day public comment period beginning on May 19, 2016, and ending on July 5, 2016, beyond the 45 days required by CEQA Guidelines Section 15105(a). Copies of the written comments received are provided in the Final EIR. 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 Chapter 2, Comments and Responses, of the Final EIR.

The City published a Final EIR for the project on September 12, 2016, which is hereby incorporated by reference in full. The Final EIR is intended to serve as an informational document for public agency decision-makers and the general public regarding objectives and components of the project. The Final EIR addresses the environmental effects associated with implementation of the project, identifies feasible mitigation measures, and alternatives that may be adopted to reduce or eliminate these impacts, and includes written responses to all comments received on the Draft EIR during the public review period. Responses were sent to all public agencies that made comments on the Draft EIR at least 10 days prior to certification of the Final EIR pursuant to CEQA Guidelines Section 15088(b). In addition, all individuals that commented on the Draft EIR also received a copy of the Final EIR. The Final EIR was also made available for review on the City's website. Hard copies of the Final EIR were also made available at four libraries and the City Department of Planning. Notices regarding availability of the Final EIR were sent to those within a 500-foot radius of the project site as well as individuals who commented on the Draft EIR, attended the NOP scoping meeting, or provided comments during the NOP comment period.

A duly noticed public hearing for the project was held by the Hearing Officer/Deputy Advisory Agency on behalf of the City Planning Commission on September 21, 2016.

The documents and other materials that constitute the record of proceedings on which the City's CEQA findings are based are located at the Department of City Planning, Environmental Review Section, 200 North Main Street, Room 750, Los Angeles, California 90012. This information is provided in compliance with CEQA Section 21081.6(a)(2).

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

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

A. The first possible finding is that "[c]hanges or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR." (Guidelines Section 15091 (a)(1)); and

B. The second possible finding is that "[s]uch changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency." (Guidelines Section 15091(a)(2)); and

C. The third possible finding is that "[s]pecific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible, the mitigation measures or Project alternatives identified in the final EIR." (Guidelines, Section 15091(a)(3)).

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

1. Description of Significant Effects – A specific description of the environmental effects identified in the EIR, including a judgment regarding the significance of the impact;

2. Project Design Features – Reference to the identified Project Design Features that are a part of the project (numbering of the features corresponds to the numbering in the Draft EIR);

3. Mitigation Measures – Reference to the identified mitigation measures or actions that are required as part of the project (numbering of the mitigation measures correspond to the Mitigation Monitoring Program, which is included as Chapter 4 of the Final EIR. All of the project Mitigation Measures and Project Design Features are included in their entirety in Chapter 4);

4. Finding – One or more of the three specific findings in direct response to CEQA Section 21081 and CEQA Guidelines Section 15091;

5. Rationale for Finding – A summary of the reasons for the finding(s);

6. Reference – A notation on the specific section in the Draft EIR which includes the evidence and discussion of the identified impact.

Although the findings below identify specific pages within the Draft EIR and Final EIR in support of various conclusions reached below, the City incorporates by reference and adopts as its own, the reasoning set forth in both environmental documents and their appendices, and thus relies on that reasoning, even where not specifically mentioned or cited below, in reaching the conclusions set forth below, except where additional evidence is specifically mentioned.

IV. DESCRIPTION OF THE PROJECT

The project is a mixed-use development consisting of: a 16 percent Density Bonus to provide an additional 20 units in lieu of 125 base units, for a total of 145 residential units, with 10 percent of the permitted base density aside for affordable housing, and 31,055 square feet (sf) of commercial uses consisting of a 27,685 sf grocery market and a 3,370 sf restaurant. As part of the total 145 units, the project will set aside 7 units for Very Low Income Households and 6 units for Moderate Income Households (this is a revision from the originally submitted project). The development will be up to 240 feet in height on an approximately 1.15-acre site. The project provides 362 parking spaces, including 119 parking spaces for commercial uses in the two-level subterranean parking garage, and 243 parking spaces in the aboveground enclosed garage on Levels 2 through 4 for residential uses and for use by the mixed-use development at 8500 Burton Way, as required by Condition No. 11 in Ordinance 180,766. The project also includes 299 bicycle parking spaces (this is a revision from the originally submitted project). The project will contain 294,294 square feet of floor area upon full build out. This project description is a refinement from the project description presented in the Draft EIR. As described in the Final EIR, the project refinements do not result in any physical changes from the impacts described in the Draft EIR.

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

The City Planning Department prepared an Initial Study dated January 25, 2016. The Initial Study is located in Appendix A of the Draft EIR.

CEQA provides that "[a]esthetic and parking impacts of a residential, mixed-use residential, or employment center project on an infill site within a transit priority area shall not be considered significant impacts on the environment." (Pub. Resources Code, § 21099, subd. (d)(1). The project is a mixed-use residential development on an infill site. CEQA defines "infill site" as a "site that has been previously developed for qualified urban uses." (Pub. Resources Code, § 21061.3.) "Qualified urban use" means "any residential, commercial, public institutional, transit or transportation

passenger facility, or retail use, or any combination of those uses." (Pub. Resources Code, § 21072.) As described in the EIR, the project site is developed with a single-tenant department store space (formerly a Loehmann's).

A "transit priority area" is an "area within one-half mile of a major transit stop that is existing or planned, if the planned stop is scheduled to be completed within the planning horizon included in a Transportation Improvement Program adopted pursuant to Section 450.213 or 450.322 of Title 23 of the Code of Federal Regulations." (Pub. Resources Code, § 21099, subd. (a)(7).) "Major transit stop" is defined as "a site containing . . . the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods." (Pub. Resources Code, § 21064.3.) The following major transit stops are located within one-half mile of the project site at the intersections of Wilshire Boulevard and La Cienega Boulevard, La Cienega Boulevard and 3rd Street, and La Cienega Boulevard and San Vicente Boulevard: Metro Local bus lines 105, 218, 16/316, and Metro Rapid bus line 705 stop at the southwest corner of La Cienega Boulevard and 3rd Street. Metro Local bus lines 20 and 105 and Metro Rapid bus lines 705 and 720 stop at the northwest corner of La Cienega Boulevard and San Vicente Boulevard.

The Initial Study found the following environmental impacts not to be significant or less than significant.

A. Aesthetics
   1. Scenic Vista
   2. Scenic Resources
   3. Visual Character and Quality
   4. Cumulative Impacts

B. Agricultural and Forest Resources
   1. Farmland
   2. Existing zoning for agricultural use or Williamson Act Contract
   3. Forest Land or Timberland Zoning
   4. Loss of Conversion of Forest Land
   5. Cumulative Impacts

C. Air Quality
   1. Implementation of the South Coast Air Quality Management District Plan or Congestion Management Plan
   2. Violate any Air Quality Standards
   3. Net Increase in Criteria Pollutants
   4. Objectionable Odors
   5. Cumulative Impacts

D. Biological Resources
1. Sensitive Biological Species
2. Riparian Habitat and Wetlands
3. Movement of any Resident or Migratory Species
4. Local Biological Resources Policies or Ordinances/Tree Preservation Policy or Ordinance
5. Habitat Conservation Plans
6. Cumulative Impacts

E. Cultural Resources
1. Historical Resources
2. Human Remains
3. Cumulative Impacts

F. Geology and Soils
1. Rupture of Known Earthquake Fault (Alquist-Priolo Earthquake Fault Map)
2. Seismic-Related Ground Failure (Liquefaction)
3. Landslides
4. Soil Erosion and Loss of Topsoil
5. Unstable Geologic Unit
6. Expansive Soil
7. Septic Tanks
8. Cumulative Impacts

G. Greenhouse Gas Emissions
1. Generation of Greenhouse Gas Emissions
2. Conflict with Applicable Plans, Policies, or Regulations
3. Cumulative Impacts

H. Hazards and Hazardous Materials
1. Routine Transport, Use, or Disposal of Hazardous Materials
2. Emit Hazardous Materials within ¼ mile of an Existing or Proposed School
3. Included on List of Hazardous Materials Pursuant to Government Code 65962.5
4. Airport Land Use Plan and Private Airstrips
5. Emergency Response Plan or Emergency Evacuation Plan
6. Wildland Fires
7. Cumulative Impacts

I. Hydrology and Water Quality
1. Water Quality Standards/Waste Discharge Requirements
2. Alteration of Drainage Patterns/Course of Stream or River
3. Stormwater Drainage Systems and Runoff Water
4. Degrade Water Quality
5. 100-Year Flood Hazard Areas and 100-Year Flood

6. Failure of Levee or Dam
7. Seiche, Tsunami, or Mudflow
8. Cumulative Impacts

J. Land Use and Planning
1. Physically Divide a Community
2. Habitat or Natural Community Conservation Plans
3. Cumulative Impacts

K. Mineral Resources
1. Loss of Availability of Known Mineral Resources
2. Loss of Mineral Resources Recovery Site
3. Cumulative Impacts

L. Noise
1. Ambient Noise Levels
2. Airport Land Use Plan and Private Airstrips

M. Population and Housing
1. Population Growth
2. Displace Housing and People
3. Cumulative Impacts

N. Public Services
1. Fire Protection Services
2. Police Protection Services
3. Schools
4. Parks
5. Public Library System
6. Cumulative Impacts

O. Recreation
1. Physical Deterioration of Neighborhood and Regional Parks
2. Construction or Expansion of Recreational Facilities
3. Cumulative Impacts

P. Transportation and Circulation
1. Congestion Management Program
2. Air Traffic Patterns
3. Hazards to a Design Feature/Incompatible Use
4. Emergency Access
5. Public Transit, Bicycle, or Pedestrian Facilities
6. Cumulative Impacts

Q. Utilities and Service Systems
1. Wastewater Treatment Requirements of Regional Water Quality Board
2. Water and Wastewater Treatment Facilities
3. Stormwater Drainage Facilities
4. Water Supplies and Wastewater Treatment Capacity
5. Landfill
6. Solid Waste
7. Cumulative Impacts

R. Energy Resources
1. Energy Conservation Plans
2. Non-Renewable Resources
3. Cumulative Impacts

VI. ENVIRONMENTAL IMPACTS FOUND NOT TO BE SIGNIFICANT WITH INCORPORATION OF PROJECT DESIGN FEATURES IN THE INITIAL STUDY OR PRIOR TO MITIGATION IN THE DRAFT EIR

The following impact areas were determined to be less than significant, and based on that analysis and other evidence in the administrative record relating to the project, the City finds and determines that the following environmental impact categories will not result in any significant impacts and that no mitigation measures are needed.

Impacts Found Not to Be Significant in the Initial Study with Incorporation of Project Design Features

A. Air Quality

Expose Sensitive Receptors to Substantial Pollutant Concentrations: Projects in the South Coast Air Basin are required to analyze local air quality impacts. The nearest sensitive receptor to the project site is a multi-family residential building located approximately 110 feet from the project site's western boundary. SCAQMD has developed localized significance thresholds (LSTs) that represent the maximum emissions from a project that are not expected to cause or contribute to an exceedance of the most stringent applicable federal or state ambient air quality standards and, thus, would not cause or contribute to localized air quality impacts. Since the nearest receptor to the project site is located approximately 110 feet away, the LSTs for a receptor distance of 82 feet are used to evaluate the potential localized air quality impacts associated with the project's peak day emissions to present a conservative analysis. The daily unmitigated on-site emissions generated during the project's worst-case construction scenario are presented in Table 4 of the Initial Study. The pollutant emissions calculated for the project's on-site demolition activities takes into account the incorporation of PDF AQ-1, which requires all off-

road construction equipment exceeding 50 hp used during the project's demolition phase to either meet, at a minimum, USEPA Tier IV interim engine certification requirements, or apply other available technologies to the construction equipment that would achieve the same pollutant emissions reduction as USEPA Tier IV construction equipment. With implementation of this PDF, the daily unmitigated emissions generated onsite by the project's worst-case construction scenario do not exceed any of the applicable SCAQMD LSTs for a one-acre site in SRA 1 during any of the construction years. As the project's worst-case construction emissions do not exceed SCAQMD's applicable LSTs, the localized air quality impacts associated with the project's construction emissions are less than significant.

Cumulative Impacts: The nearest related project to the proposed project is located approximately 1,265 feet away at 316 North La Cienega Boulevard; however, at this time it is not known if this project would be constructed within the same time period as the proposed project. Nonetheless, under the condition where this project would be constructed concurrently with the proposed project, a sensitive receptor located equidistant from these two construction sites could be exposed to pollutant concentrations. However, a receptor located between the proposed project site and these two construction sites (i.e., a receptor located approximately 800 feet from the proposed project and the construction site located at 316 North La Cienega Boulevard, respectively) would be exposed to both construction emissions from the proposed project and would have a greater LSTs that would need to be exceeded before a potential localized air quality impact result. The proposed project will not exceed the more stringent LSTs for receptors located 82 feet from the project site, compared to the LSTs for receptors located 656 or 1,640 feet from a project site, which are more representative of cumulatively impacted receptors. Therefore, it is not anticipated that the on-site emissions that could potentially be generated concurrently at the project site and the nearest related projects site will be of a magnitude that exceeds the LSTs for a receptor distance of 656 or 1,640 feet. As such, the cumulative impacts related to exposure of sensitive receptors to substantial pollutant concentrations are less than significant.

1. Project Design Feature

The City finds that Project Design Feature, PDF AQ-1, which is incorporated into the project and incorporated into the Findings as set forth herein, reduce the impacts related to air quality to less than significant. This Project Design Feature was taken into account in the analysis of project impacts.

B. Cultural Resources

1. Archaeological Resources

The SCCIC records search results indicated that a total of 17 cultural resources studies have been conducted within a ½-mile radius of the project site, although none include any portion of the project site. No archaeological resources have been previously documented within the project site or a ½ mile-radius. Given the amount of previous development within the majority of the project site, the potential for subsurface archaeological resources is considered low. However, since the project includes ground-disturbing activities of up to 19 feet below ground surface and since the project includes excavation in areas that have not been subject to substantial previous disturbance (such as the paved parking lot), the project has the potential to disturb previously unknown significant archaeological resources. Therefore, with implementation of PDF CUL-1, the project has a less-than-significant impact to archaeological resources.

Cumulative Impacts: Although all of the related projects are located within an urban environment that has been previously disturbed, excavation activities associated with the related projects could contribute to the progressive loss of archaeological resources. Given the amount of previous development within the project site, the potential for subsurface archaeological resources in the project site is considered low. Since the project includes ground-disturbing activities of up to 19 feet below ground surface and since the project includes excavation in areas that have not been subject to substantial previous disturbance (such as the paved parking lot), the project has the potential to disturb previously unknown significant archaeological resources. Implementation of the proposed project, in combination with the other related projects in the project site vicinity, will result in the continued redevelopment and revitalization of the surrounding area. However, impacts to cultural resources are site-specific and are assessed on a site-by-site basis. In addition, each related project will be required to comply with existing regulations and undergo CEQA review to assure that any impacts are appropriately evaluated and, if necessary, mitigated. Therefore, any cumulative impact is less than significant. The analysis of the proposed project's impacts to cultural resources also concluded that the proposed project does not have significant impacts with respect to cultural resources following incorporation of PDF CUL-1 discussed above. Therefore, the proposed project's incremental contribution to a cumulative impact would not be considerable.

2. Tribal Cultural Resource

The NAHC has indicated that no sacred sites or Native American cultural resources are known to exist within the project site or vicinity. In addition, pursuant to AB 52, the City of Los Angeles notified tribes of the proposed project and received a response from the Soboba Band of Luiseño Indians in a letter dated January 4, 2016, but they did state any concerns with the project. In addition, the Gabrieleño Band of Mission Indians – Kizh Nation also responded in letters dated December 15, 2015 and February 1, 2016, in which they mentioned that, due to the sensitivity

of the area, the tribe requested a Native American monitor to be on the project site during ground disturbing activities. A third letter dated September 15, 2016 from the Gabrieleño Band of Mission Indians – Kizh Nation was also received, but the letter did not present any new information beyond what was presented in their previous letters. The Gabrieleño Band of Mission Indians – Kizh Nation did not request consultation with the City of Los Angeles. Nevertheless, with implementation of PDF CUL-5, which states that at least 30 days prior to the start of ground disturbance, the applicant shall retain a Native American monitor listed on the Native American Heritage Commission contact list as traditionally and culturally affiliated with the project area to observe all ground-disturbing activities, the project results in a less-than-significant impact to tribal cultural resources as defined in Public Resources Code 21074.

Cumulative Impacts: Implementation of the proposed project, in combination with the other related projects in the project site vicinity, will result in the continued redevelopment and revitalization of the surrounding area. Impacts to cultural resources tend to be site-specific and are assessed on a site-by-site basis. Each related project will be required to comply with existing regulations and undergo CEQA review to assure that any impacts are appropriately evaluated and, if necessary, mitigated. Therefore, any cumulative impact with regard to tribal cultural resources is less than significant.

3. Project Design Features

The City finds that the Project Design Features, PDFs CUL-1 and CUL-5, which are incorporated into the project and incorporated into these Findings as though fully set forth herein, reduce the potential for archaeological and tribal cultural resources impacts of the project. These Project Design Features were taken into account in the analysis of potential impacts.

C. Geology and Soils

1. Seismic Ground Shaking

Ground shaking during a major earthquake at the project site could cause structural damage to the project. Given the potential for strong seismic ground shaking, the project will be constructed with latest construction materials and built to the requirements of the California Building Code (CBC) and, thus, will have the structural integrity to withstand strong seismic ground shaking. The final choice of foundation design, site preparation requirements, and construction materials for the project will be informed by soil and/or geotechnical engineering reports to be prepared prior to final designs, as required by PDF GEO-1. In addition to compliance with CBC, the proposed project is subject to the provisions of the Seismic Hazards Mapping Act, which requires the implementation of feasible design

measures to address seismic hazards, depending on the results of site-specific geotechnical studies. Required compliance with the CBC through the implementation of PDF GEO-1 and compliance with the provisions of the Seismic Hazard Mapping Act ensure that potential impacts from strong seismic ground shaking are less than significant. Therefore, with implementation of PDF GEO-1, the project will not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking and impacts would be less than significant.

Cumulative Impacts: Impacts related to geology are generally localized or site-specific, because each project site has a different set of geologic considerations that are subject to specific site development and construction standards. As such, the potential for cumulative impacts to occur is geographically limited. Similar to the proposed project, potential impacts related to geology and soils will be assessed on a case-by-case basis and, if necessary, the applicants of the related projects will be required to implement the appropriate mitigation measures. The analysis of the proposed project's geology and soils impacts concluded that there are no active faults in the project area or close enough to the project site to be considered a concern for fault rupture. Thus, impacts related to fault rupture and ground shaking are less than significant. Therefore, the proposed project does not make a cumulatively considerable contribution to any potential cumulative impacts, and the cumulative geology and soil impacts described herein will be less than significant.

2. Project Design Feature

The City finds that the Project Design Feature, PDF GEO-1, which is incorporated into the project and incorporated into these Findings as though fully set forth herein, reduces the potential geology and soils impacts of the project. This Project Design Feature was taken into account in the analysis of potential impacts.

D. Greenhouse Gas Emissions

1. Applicable Plan, Policy or Regulation

The project is designed to comply with the CARB AB 32 Scoping Plan, the Los Angeles Green Building Code, CALGreen Code, Green LA Plan, and SCAG 2012-2035 RTP/SCS to ensure that the project uses resources (energy, water, etc.) efficiently and that the project significantly reduces pollution and waste. Compliance with the Los Angeles Green Building Code results in reductions in energy and water consumption equal to or in excess of the CALGreen Code requirements. The Final EIR added PDF GHG-1 to further reduce the potential from greenhouse gas impacts. Therefore, impacts from the project on conflicts with GHG plans, policies or regulation are less than significant.

Cumulative Impacts: Implementation of the proposed project is consistent with both the CARB Scoping Plan as well as the Green LA Plan, as detailed in Section 7b of

the Initial Study. Therefore, the project will not hinder or adversely affect the statewide attainment of GHG emission reduction goals of AB 32. This impact is less than cumulatively considerable.

2. Project Design Feature

The City finds that the Project Design Feature, PDF GHG-1, which is incorporated into the project and incorporated into these Findings as though fully set forth herein, reduce the potential greenhouse gas emissions impacts of the project. This Project Design Feature was taken into account in the analysis of potential impacts.

Impacts Found Not to Be Significant Prior to Mitigation in the Draft EIR

E. Aesthetics

1. Light or Glare

Construction Impacts: Construction activities associated with the project involve the use of various lighting sources which have the potential to spill over to off-site sensitive land uses surrounding the project site. To reduce impacts to light sensitive receptors, construction activities at the project site will occur between the hours of 7:00 a.m. and 4:00 p.m. on Monday through Friday, and during the hours of 8:00 a.m. and 4:00 p.m. on Saturday. Lighting during the nighttime hours is required on-site for safety and security purposes and has the potential to result in nighttime lighting impacts if not directed properly. To reduce potential nighttime lighting impacts, the project implements PDF AES-1, which requires the shielding of construction-related light sources and ensures that impacts are less than significant.

Daytime glare associated with construction activities could occur if reflective construction materials are positioned in highly visible locations where the reflection of sunlight occurs; however, this is unlikely to occur and any glare produced during construction activities is highly transitory and short-term, given the movement of construction equipment and materials within the construction site and the temporary nature of construction activities. The potential for nighttime glare is negligible as construction occurs primarily during the daytime hours, as noted above, and the lighting during nighttime hours will be used for safety and security purposes and, as such, is shielded and/or aimed so that no direct beam spills over outside of the project site boundary, as ensured by the implementation of PDF AES-1, as described above. Therefore, impacts to offsite sensitive uses from daytime and nighttime glare during construction of the project are considered less than significant.

Operation Impacts: During operation of the project, site lighting will be installed throughout the project site, which will assist with safety, security, and wayfinding, which has the potential to spill over to off-site sensitive land uses in the project

vicinity. However, the lighting will be low intensity and directed towards the interior of the project site to avoid light spillover and be subject to the provisions of the LAMC lighting regulations which are found in various chapters within the LAMC. Chapter 9, Article 3, Section 93.0117(b) of the LAMC establishes the standards for exterior lighting, and states no exterior lighting may cause more than two-foot candles of lighting intensity or generate direct glare onto exterior glazed windows or glass doors on any residential property; an elevated habitable porch, deck or balcony on any property containing residential units; or any ground surface intended for uses such as recreation, barbecues or lawn areas. Furthermore, lighting on the project site will be subject to PDFs AES-2 and AES-3, which outline standards for exterior lighting design on the project site. Compliance with LAMC requirements and PDFs AES-2 and AES-3 ensure that impacts from site lighting during operation of the project are less than significant.

Building lighting will be used for building identification, building accents, and includes lighting associated with the project's signage, interior lighting visible through the windows of the residential units and the ground floor and mezzanine commercial/retail uses, and aboveground parking garage. Building lighting used for the project will be low intensity. Building signage is regulated by LAMC, Chapter 1, Article 4.4, Section 14.4.4, which limits light intensity of signage to three foot candles above ambient lighting, as measured at the property line of the nearest residentially-zoned property. PDF AES-3 prohibits the use of spotlights, floodlights, klieg lights, or similar high-intensity light source for outdoor lighting. All new street lighting associated with the project is required to meet the standards of LAMC Chapter 1, Article 4.7, Section 17.08 C. The project as designed, and including PDFs AES-2 and AES-3 and compliance with the LAMC, results in less-than-significant lighting impacts.

The project will introduce new sources of glare, including building surfaces and project-related vehicles. As described above under PDF AES-4, glass used in building facades will be anti-reflective or treated with anti-reflective coating in order to minimize glare from reflected sunlight. Thus, implementation of PDF AES-4 reduces any potential impacts from glare as a result of the use of glass or other building materials. Vehicles will be parked within the parking garages and, thus, do not have the potential to produce glare when exposed to the sun.

Cumulative Impacts: Development of the project, as well as the related projects in the area, will introduce new or expanded sources of artificial light. However, no related projects are located within 0.25 mile of the project site and, as such, do not significantly alter the existing lighting environment currently experienced in the area. Additionally, cumulative lighting is not be expected to interfere with the performance of off-site activities given the moderate to high ambient nighttime artificial light levels already present. Furthermore, like the project, related projects are subject to applicable lighting guidelines and the City's design review process to ensure that

potential artificial light sources will not significantly alter the light environment and result in cumulative impacts. Similarly, with regard to glare, the project and related projects are subject to design review to ensure that significant sources of glare are not introduced. Adherence to these measures ensures that building materials do not have the potential to produce a substantial degree of glare. Therefore, cumulative light and glare impacts from development of the project and related projects are less than significant.

2. Shade and Shadow

Development of the project will generate new shading with varied lengths and angles depending on the time of day and season, particularly to the west and east during the winter and fall solstices. However, no residential building or other sensitive use is shaded by the project for more than three hours, the threshold of significance, between the hours of 9:00 a.m. and 3:00 p.m. Pacific Standard Time (between early November and early March) or more than four hours, the threshold of significance, between 9:00 a.m. and 5:00 p.m. Pacific Daylight Time (between early March and early November). Therefore, impacts are less than significant.

Cumulative Impacts: There are no related projects within a 0.25-mile radius of the project site and, therefore, there is no potential to create cumulative shading impacts in combination with the project.

3. Project Design Features

The City finds that the Project Design Features, PDFs AES-1, AES-2, AES-3, and AES-4, which are incorporated into the project and incorporated into these Findings as though fully set forth herein, reduce the potential aesthetics impacts with regard to light and glare of the project. The Project Design Features were taken into account in the analysis of potential impacts.

4. Aesthetic Impacts are Less Than Significant According to SB 743

Furthermore, CEQA states that "[a]esthetic and parking impacts of a residential, mixed-use residential, or employment center project on an infill site within a transit priority area shall not be considered significant impacts on the environment." (Pub. Resources Code, § 21099, subd. (d)(1).) As explained in Section V, the project meets these requirements and, thus, aesthetic impacts are considered less than significant.

F. Land Use and Planning

1. Consistency with Land Use Plans and Policies

The development of the project is subject to numerous state, regional, and City land use plans and policies, such as the 2016-2040 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS), City of Los Angeles General Plan Framework Element, Wilshire Community Plan, and City Zoning Ordinance. The project is generally consistent with all land use plans and policies. Specifically, the Wilshire Community Plan identifies the importance of mixed-use commercial developments, specifically mixed-use commercial and residential boulevards, along Beverly, Olympic, Pico, Robertson, and La Cienega Boulevards to encourage pedestrian activity, reduce traffic circulation and congestion, and invigorate commercial areas. Development of the project is consistent with these policies by creating a mixed-use residential building along the major corridors, La Cienega Boulevard and 3rd Street.

The project also conforms to the RTP/SCS as explained in the Draft EIR's Table 4.2-1 Consistency Analysis with Local Land Use Plans. The 2016 RTP/SCS identifies the anticipated population of the City of Los Angeles in 2040 to be approximately 4,609,400 persons, an increase of 617,700 persons in a 20-year period. The project adds a population of approximately 331 persons, or less than one percent (0.05 percent) of the total increase in population within that time period. The project will result in an increase in 84 jobs within the City, less than 0.1 percent of the total anticipated employment increase. Therefore, the employment increase from the project is accounted for in the SCAG growth projections. The project is also accounted for in the SCAG growth projections as identified by the 2016 RTP/SCS. Because the project is consistent with the Community Plan and the employment and population growth resulting from the project is consistent with SCAG's regional forecast, the project is consistent with the growth projections accounted for in SCAQMD's Air Quality Management Plan. Therefore, impacts related to consistency with these land use plans are less than significant.

Cumulative Impacts: There are 53 related projects in the vicinity of the project site, which generally consist of infill development and redevelopment of existing uses, including mixed-use, office, residential, etc. The related projects consist of infill development within the larger Wilshire Community Plan Area as well as in the surrounding cities of West Hollywood and Beverly Hills, which are primarily built-out. As with the project, the related projects are subject to CEQA review and review by City regulatory agencies on a case-by-case basis. Therefore, the project and related projects will not have cumulatively significant land use impacts as both the project and related projects will be consistent with applicable land use and zoning plans and standards, which does not incrementally contribute to cumulative inconsistencies with respect to land use and zoning plans and standards. Thus, cumulative impacts with regard to potential conflicts with applicable land use plan, policy, or regulations are less than significant.

G. Transportation and Circulation

1. Conflict with Applicable Plan, Ordinance, or Policy

Construction: Potential traffic impacts from project construction activities could occur as a result of the following: increase in haul truck and automobile traffic, temporary lane closures, and reduced access to emergency services. Construction activities are expected to be primarily contained within the project site; however, lane and sidewalk closures on La Cienega Boulevard and San Vicente Boulevard will be required at times for construction staging, utility relocations and hook ups, delivery of materials, and other construction activities. These closures will occur at different stages of construction and are implemented as a part of PDF TR-1, Construction Traffic Management Plan (CTMP), which will be prepared and implemented as a part of the project. Construction workers can also add traffic to roadways around the project site during the construction phase; however, because construction worker traffic occurs outside the peak hours, traffic from construction workers is not expected to create a significant impact on the street system. According to the traffic analysis, haul truck trips will be spread out throughout the day and are not anticipated to contribute to a substantial amount of traffic during the weekday morning and afternoon peak periods. Given that La Cienega Boulevard is listed as a designated disaster route in the General Plan Safety Element, the CTMP includes a disaster route detour plan to ensure that emergency access is maintained throughout construction. The CTMP is to be reviewed and approved by the LADOT prior to being implemented and the detour plan will be disseminated to emergency services providers prior to the start of construction. In addition, PDF TR-1 includes a requirement for the applicant to coordinate with Metro to ensure that access to transit services in maintained, including the relocation of the Metro Local Route 105 bus stop. This project design feature has been revised herein to include the relocation of the Metro Rapid 705 bus stop as well. Therefore, with implementation of PDF TR-1, transportation and circulation impacts associated with project construction are less than significant.

Operation: Traffic volume projections were developed for the project to analyze the existing traffic conditions after completion of the project. Twenty-five intersections were evaluated, and 23 of the 25 intersections will operate at LOS D or better during both the morning and afternoon peak period. The remaining two intersections, La Cienega Boulevard and Wilshire Boulevard (Intersection 20) and La Cienega Boulevard and Olympic Boulevard (Intersection 21), will operate at LOS E or worse during the morning and afternoon peak periods; however, the addition of project traffic to existing conditions does not increase the V/C delay by more than 0.005 and, therefore, does not exceed the significance thresholds set forth in the *L.A. CEQA Thresholds Guidelines*. Furthermore, all driveway intersections, with the exception of the southern driveway on La Cienega Boulevard, are unsignalized. An LOS analysis for the unsignalized intersections was conducted using HCM

methodology and the LOS for all driveway intersections was estimated to be LOS B or better in both the AM and PM peak hours.

The LOS analysis is based on trip generation rates from the Institute of Transportation Engineers Trip Generation Manual, with reductions made to account for pass-by trips, transit and walk trips, and pass-by trips for the restaurant. The reductions in trip generation are appropriate here to account for the urban and transit-oriented nature of the project, and the reductions applied in the analysis are well within typical ranges recommended by the ITE Manual. Furthermore, all of the trip reductions applied in the analysis are allowed by LADOT's Traffic Study guidelines and were reviewed and approved by LADOT staff.

Even though the reductions in trip generation are appropriate and supported by substantial evidence, further analysis was conducted to determine whether application of smaller reductions results in any significant impacts. That analysis demonstrates that even with just a 25-percent reduction in trips, impacts remain less than significant.

The project site is located in a pedestrian-oriented and bicycle accessible area that consists of a mix of residential uses, institutional, and regional commercial uses. Given that the project maintains the existing sidewalk and circulation system and includes streetscape and walkability improvements, it is not anticipated that the project will increase hazards to bicyclists, pedestrians, or vehicles. Therefore, impacts with regard to transportation and circulation during project operation are considered less than significant.

Cumulative Impacts: The construction of 53 related projects is anticipated in the project area between existing conditions and the cumulative conditions horizon year of 2019. These 53 projects are dispersed throughout the project vicinity within the general Wilshire Community Plan area and draw upon a workforce from all parts of Los Angeles County. There is the potential for the construction-related activities and/or haul routes of the project and related projects to overlap, particularly with respect to other projects located along La Cienega Boulevard. Specifically, there is potential for these related projects and the project to use the same haul routes at the same time. There is also the potential for the nearby related projects and the project to require lane closures during construction at the same time. However, the implementation of the CTMP ensures that disaster routes are established in the event of lane closures. The requirement of a CTMP also applies to any cumulative project that includes lane closures that affect emergency access routes. Therefore, cumulative effects of lane closures are not cumulatively considerable. The traffic models used in the analysis above incorporated forecasted traffic increases due to ambient growth and trip generation estimates for the related projects through the year 2019. Therefore, cumulative impacts on intersections, the regional

transportation system and access as a result of the project are accounted for in the Draft EIR, and cumulative impacts are less than significant.

2. Congestion Management Program (CMP)

At the intersection of La Cienega Boulevard and Wilshire Boulevard (Intersection 20), the project will add 52 trips, which is slightly higher than the arterial CMP station analysis threshold of 50 trips. However, this intersection operates at LOS E with or without the project, with an increase of the V/C ratio of 0.002 due to the project in the AM peak hour. While the intersection operates at LOS F during the PM peak hour, this is with or without the project and the project only increase the V/C ratio by 0.004 in the PM peak hour, below the CMP threshold. Therefore, there is no significant impact at this intersection. In addition to this intersection, the project will add a maximum of 19 trips at La Cienega Boulevard and Santa Monica Boulevard, three eastbound peak hour trips to the CMP freeway monitoring station located at I-10, east of Overland Avenue, and three westbound peak hour trips to the CMP freeway monitoring station located at I-10, east of La Brea Boulevard. Project related trips are well below the CMP threshold of 50 or more trips to any CMP intersection or more than 150 trips to a CMP mainline freeway location; therefore, the project does not conflict with the local CMP. This is considered a less-than-significant impact.

3. Project Design Feature

The City finds that Project Design Feature, PDF TR-1, which is incorporated into the project and incorporated into these Findings as though fully set forth herein, reduce the potential construction transportation/circulation impacts of the project. This Project Design Feature was taken into account in the analysis of potential impacts.

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

The following impact areas were concluded by the EIR to be less than significant with the implementation of mitigation measures described in the Final EIR. Based on that analysis and other evidence in the administrative record relating to the project, the City finds and determines that mitigation measures described in the Final EIR reduce potentially significant impacts identified for the following environmental impact categories to below the level of significance.

Impacts Found to Be Less Than Significant After Mitigation in the Initial Study

A. Cultural Resources

Paleontological Resources: Results of the paleontological resources records search indicated that surficial deposits within the project site consist of younger Quaternary Alluvium, derived as alluvial fan deposits from the Santa Monica Mountains to the north. A total of six localities (LACM 3176, 7669, 7671, 7672, 7673, and 7770) within the older Quaternary deposits have been recorded within the vicinity of the project site. While excavation into the younger Quaternary Alluvium is unlikely to impact significant paleontological resources, any substantial excavation below the uppermost layers and into the underlying older Quaternary deposits and/or the Palos Verdes Sand deposits has a good chance of uncovering significant vertebrate fossil remains. Excavations for the project shall reach depths of at least 19 feet below the existing ground surface and have the potential to encounter significant vertebrate fossils.

1. Mitigation Measure

The City finds that Mitigation Measures CUL-2, CUL-3, CUL-4 which are incorporated into the project and incorporated into the Findings as set forth herein, reduce the impacts related to paleontological resources to less than significant.

2. Finding

Paleontological Resources: With implementation of Mitigation Measure CUL-2, CUL-3, and CUL-4, impacts related to paleontological resources are less than significant. No further mitigation is required.

3. Rationale for Finding

Paleontological Resources: Results of the paleontological resources records search indicated that surficial deposits within the project site consist of younger Quaternary Alluvium, derived as alluvial fan deposits from the Santa Monica Mountains to the north. The younger Quaternary Alluvium deposits usually do not contain significant vertebrate fossils, at least in the uppermost layers; however, these deposits are underlain by older Quaternary deposits at relatively shallow depths that do contain significant vertebrate fossils. Below the older Quaternary Alluvium deposits are even older Quaternary deposits known as the Palos Verdes Sand. While excavation into the younger Quaternary Alluvium is unlikely to impact significant paleontological resources, any substantial excavation below the uppermost layers and into the underlying older Quaternary deposits and/or the Palos Verdes Sand deposits has a good chance of uncovering significant vertebrate fossil remains. Numerous fossil Pleistocene (approximately 2.6 million years ago-11,000 years ago) localities have been documented within Los Angeles County from deposits similar to those underlying the project site. Ice age animals recovered from these localities include, but are not limited to, mammoths, mastodons, horses, camels, ground sloths, and

carnivores. Given that fossils localities have been previously documented within or immediately adjacent to the project site and several more have been documented within 0.50 mile of the project area in the same sediments that underlie the project site, the project site is considered highly sensitive for presence of paleontological resources. Excavations for the project shall reach depths of at least 19 feet below the existing ground surface and have the potential to encounter significant vertebrate fossils. Previous depths of disturbance for the existing buildings is unknown, but were likely more shallow than proposed excavation since existing buildings do not include subterranean parking and the project will include two levels of subterranean parking. Also, there are areas that have not been subject to substantial past ground disturbance. Therefore, the project has the potential to result in a significant impact to unique paleontological resources. However, implementation of Mitigation Measures CUL-2 through CUL-4, which includes pre-construction worker paleontological resources sensitivity training, monitoring of all ground-disturbing activities, and recommendations on what to do should paleontological resources be discovered during construction, ensure that potential impacts to any unique paleontological resources are less than significant.

4. Reference

For a complete discussion of impacts associated with Cultural Resources, please see Section 5 of the Initial Study.

B. Hazards and Hazardous Materials

Release of Hazardous Materials into the Environment: Construction and operational activities of the project require the use of some hazardous materials such as fuels, oils, paints, solvents, and glues. All potentially hazardous materials used during construction or operation of the project will be handled, stored, and disposed of in accordance with the manufacturers' specifications and applicable regulations. Nonetheless, during construction, there is the possibility of the inadvertent exposure or release of hazardous materials into the surrounding environment, which could inadvertently impact the soils, surface waters, or groundwater quality.

1. Mitigation Measures

The City finds that Mitigation Measures HAZ-1, HAZ-2, HAZ-3 and HAZ-4, which are incorporated into the project and incorporated into these Findings as fully set forth herein, reduce the potentially significant impact related to the accidental release of hazardous materials into the environment to less than significant.

2. Findings

Changes or alterations and mitigation measures have been required in, or incorporated into, the project that avoid or substantially lessen potential significant environmental effects on hazards associated with the accidental release of hazardous materials in the environment to less than significant levels with the implementation of Mitigation Measures HAZ-1 through HAZ-4. No further mitigation measures are required.

3. Rationale for Findings

Construction activities required for implementation of the project involve trenching, excavation, grading, and other ground-disturbing activities. The construction activities require the use of equipment, such as trucks, excavators, and other powered equipment, and will use potentially hazardous materials such as fuels (gasoline or diesel) and lubricants (oils and greases). In addition, construction of the structure may use hazardous materials such as glues, solvents, paints, thinners, or other chemicals. Reasonably foreseeable upset and accident conditions could occur involving the release of hazardous materials during the construction of the project, which could be an adverse impact to workers and/or the environment during construction activities. Operations of the project consist of the typical common activities associated with development of residential, associated amenities (e.g., spa, swimming pool), restaurant and commercial uses. Household and landscape maintenance materials such as cleaning supplies, paints, oil, grease, fertilizers, and chlorine will be used during project operations. However, all potentially hazardous materials will be used and stored in accordance with manufacturers' instruction and handled in compliance with federal, state, and local regulations. Compliance with these regulations ensures that any associated risk is adequately reduced to less than significant.

An Asbestos and Lead-Based Paint Survey Report was prepared for the project site and found that while asbestos containing materials (ACMs) were not found on the project site, lead-based paint (LBP) was detected in the existing structure. The lead concentration of the exterior of the existing building is over 1,000 ppm lead. Therefore, without proper abatement procedures, demolition/removal could expose workers and/or the environment to lead, a potentially significant impact. Implementation of Mitigation Measures HAZ-1 and HAZ-2 ensures the proper handling and removal of LBP and reduces the potential impacts of exposure to these hazardous building materials to a less-than-significant level.

A previous subsurface soil investigation at the project site indicated concentrations of total recoverable petroleum hydrocarbons (TRPH) up to 4,900 mg/kg were detected. In the absence of proper handling procedures, soil excavation at the project site could expose workers to elevated concentrations of hazardous materials during project construction. To ensure proper handling of contaminated soils, Mitigation Measure HAZ-3, which requires the preparation and implementation of a

site-specific Health and Safety Plan in accordance with federal OSHA regulations, and Mitigation Measure HAZ-4, which requires the preparation and implementation of a Soil and Groundwater Management Plan, will be implemented prior to and during project construction. Implementation of these mitigation measures ensures that potential impacts from the release of contaminated soils during project construction are reduced to a less-than-significant level.

The project site has been identified by the Los Angeles Department of Building and Safety (LADBS) as being located in a Methane Zone, which is defined as a site that has been found to have the risk of methane intrusion emanating from on-site geologic formations. All new buildings and paved areas located in a Methane Zone shall be required to comply with requirements set forth in the Los Angeles Building Code, Division 71, and the Methane Mitigation Standards established by the LADBS, including those listed below as Mitigation Measures HAZ-5 and HAZ-6, and impacts are reduced to less than significant.

4. References

For a complete discussion of impacts associated with Hazards and Hazardous Materials, please see Section 8 of the Initial Study.

C. Hydrology and Water Quality

Groundwater Supplies/Groundwater Recharge: Groundwater levels are estimated to be between 10 and 15 feet below ground surface (bgs) at the project site and the project includes two subterranean parking levels that will extend at least 19 feet bgs. As such, contact with the groundwater table could likely occur during construction and dewatering is likely required. Impacts to the groundwater table may result from implementation of the project through direct withdrawals per dewatering, or through interception of an aquifer by cuts or excavations. In addition, the groundwater table could be determined to be sufficiently high at consistent rates so as to require a permanent dewatering system throughout the project's operation in order to avoid consequential soil stability issues. Temporary and long-term dewatering that may be required could result in potentially significant impacts to the quantity of groundwater present in the local groundwater basin.

1. Mitigation Measures

The City finds that Mitigation Measures HYD-1, HYD-2, HYD-3, and HYD-4 which are incorporated into the project and incorporated into the Findings as set forth herein, reduce the impacts related to hydrological resources to less than significant.

2. Finding

Groundwater Supplies/Groundwater Recharge: With implementation of Mitigation Measures HYD-1, HYD-2, HYD-3, and HYD 4, impacts related to groundwater supplies and recharge are less than significant. No further mitigation is required.

3. Rationale for Finding

The project site is underlain by the Hollywood Subbasin of the Coastal Plain of Los Angeles Groundwater Basin. Based on review of local groundwater records and past geotechnical investigations, groundwater in the near-site vicinity has been encountered at depths ranging from approximately 10 to 15 feet below ground surface (bgs); the historic high groundwater level for the site, as of 1998, was less than 10 feet below bgs. Impacts to the groundwater table may result from implementation of the project through direct withdrawals per dewatering, or through interception of an aquifer by cuts or excavations. Additionally, the groundwater table could be determined to be sufficiently high at consistent rates so as to require a permanent dewatering system throughout the project's operation in order to avoid consequential soil stability issues. Any dewatering must be controlled to avoid inducing settlement or other impacts to adjacent structures and facilities. Temporary and long-term dewatering that may be required could result in potentially significant impacts to the quantity of groundwater present in the local groundwater basin. In order to reduce any potential impacts related to groundwater supplies, Mitigation Measure HYD-2 requires a groundwater hydrology report be prepared to assess to what extent temporary dewatering is necessary during construction and whether a permanent dewatering system is required for project operation. The report will also determine how the proposed dewatering affects the height of the local groundwater table and the extent of the impact of groundwater drawdown. In addition, Mitigation Measure HYD-3 requires the Applicant to prepare a Report of Waste Discharge for dewatering activities in order to determine what permit is required to cover those activities and ensure protection of water quality. Mitigation Measure HYD-1 will be required in the case that a permanent dewatering system is necessary as determined by Mitigation Measure HYD-2. Mitigation Measure HYD-1 requires the water obtained from the permanent dewatering system to serve a beneficial use on-site such as irrigation or be returned to the groundwater basin by an injection well. In addition, PDF-HYD-4 allows for the recharge of the local groundwater basin by requiring the construction of permeable sidewalks along the project's street frontages.

4. Reference

For a complete discussion of impacts associated with Hydrology and Water Quality, please see Section 9 of the Initial Study.

Impacts Found to Be Less than Significant After Mitigation in the Draft EIR

D. Noise

Impacts of Generation of Excessive Noise Onsite Construction: During project construction, the nearest and most notable off-site sensitive receptors that are exposed to increased noise levels are the existing multi-family residential, church, and medical center uses located around the project site. Due to the proximity of these off-site sensitive uses to the project site, the project's construction activities will expose these sensitive receptors to increased exterior noise levels. Over the course of a construction day, the highest noise levels are generated when multiple pieces of construction equipment are being operated concurrently. The peak day construction noise levels experienced by the off-site sensitive receptors will range from 67.4 dBA L_{eq} at the Cedars-Sinai Medical Center building located northwest of the project site to approximately 82 dBA L_{eq} at the Our Lady of Mount Lebanon-St. Peter Cathedral located west of the project site. With the exception of the Cedars-Sinai Medical Center which will only experience a minimal noise increase, construction activities associated with the project will generate episodic noise levels above the ambient noise levels currently experienced in the remaining identified noise-sensitive receptors surrounding the project site. The project is measured against the significance thresholds set forth in the *L.A. CEQA Thresholds Guide*, which state that construction activities lasting more than 10 days in a three-month period, which increase ambient exterior noise levels by 5 dBA or more at a noise sensitive use, normally result in a significant impact. With the exception of the Cedars-Sinai Medical Center, an increase in ambient exterior noise levels by 5 dBA or more will occur at the remaining identified off-site sensitive receptors.[1] Thus, potentially significant short-term noise impacts from construction will occur at these sensitive off-site locations. Mitigation Measures NOI-1 through NOI-9 shall be implemented to reduce the temporary increase in ambient daytime noise levels at the nearby sensitive receptors during project construction to the maximum extent feasible, as required under Section 112.05 of the LAMC.

Impacts of Excessive Ground-Bourne Vibration: Construction activities at the project site have the potential to generate low levels of ground borne vibration as the operation of heavy equipment (i.e., tractors, loaders, excavators, backhoes, haul trucks, etc.) generates vibrations that propagate through the ground and diminish in intensity with distance from the source. The nearest off-site receptors, both sensitive and non-sensitive uses, to the project site that could be exposed to vibration levels generated from project construction include the mixed-use residential/retail building located to the south, across San Vicente Boulevard and Burton Way, the multi-family residential buildings located to the southwest, across San Vicente Boulevard and Burton Way, the Our Lady of Mount Lebanon-St. Peter Cathedral and Westbury Terrace condominium tower located to the west, across San Vicente Boulevard, the

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1 *The 5 dBA threshold from the L.A. CEQA Thresholds Guide is used because construction of the proposed project would occur for more than 10 days in a three-month period.*

retail uses located directly to the north, and the commercial/retail uses to the west, across La Cienega Boulevard. The retail structures located directly to the north of the project site will be exposed to potential vibration levels of 0.998 inches per second which exceed the 0.5 inches per second PPV Caltrans' and FTA building damage criteria as shown in Tables 4.3-4 and 4.3-6, respectively. As such, the vibration impacts at these retail structures would be potentially significant.

1. Mitigation Measures

Excessive On-site Construction Noise: The City finds that Mitigation Measures NOI-1 through NOI-7 and NOI-9, which are incorporated into the project and incorporated into these Findings as set forth herein, reduce the impacts related to on-site construction impacts to less than significant.

Ground-Borne Vibration: The City finds that Mitigation Measure NOI-8, which is incorporated into the project and incorporated into these Findings as set forth herein, reduce the impacts related to excess ground-borne vibration to less than significant.

2. Finding

Excessive On-site Construction Noise: With implementation of Mitigation Measures NOI-1 through NOI-7 and NOI-9, impacts related to off-site construction noise are less than significant. No further mitigation measure is required. With implementation of Mitigation Measures NOI-1 through NOI-7 and NOI-9, the project's contribution to cumulative impacts related to noise is less than significant.

Ground-Borne Vibration: With implementation of Mitigation Measure NOI-8, impacts related to ground-borne vibration are less than significant. No further mitigation measure is required. With implementation of Mitigation Measure NOI-8, the project's contribution to cumulative impacts related to ground-borne vibration is less than significant.

4. Rationale for Finding

Excessive On-site Construction Noise: The project's estimated construction noise levels were calculated for a scenario in which all construction equipment was assumed to be operating simultaneously and located at the construction area nearest to the affected receptors to present a conservative impact analysis. The estimated noise levels at the off-site sensitive receptors were calculated using the FHWA's RCNM, and were based on the concurrent operation of 12 pieces of equipment (i.e., five air compressors, two concrete saws, excavator, front end loader, vacuum sweeper, tractor, and dump truck) on a peak construction day during the demolition phase. The peak day construction noise levels experienced by

the off-site sensitive receptors range from 67.4 dBA L_{eq} at the Cedars-Sinai Medical Center building located northwest of the project site to approximately 82 dBA L_{eq} at the Our Lady of Mount Lebanon-St. Peter Cathedral located west of the project site. Thus, with the exception of the Cedars-Sinai Medical Center which will only experience a minimal noise increase, construction activities associated with the project will generate episodic noise levels above the ambient noise levels currently experienced in the remaining identified noise-sensitive receptors surrounding the project site. The increase in noise levels at the off-site locations during construction at the project site is temporary in nature, and will not generate continuously high noise levels, although occasional single-event disturbances from construction are possible. The typical operating cycle for a piece of construction equipment involves one or two minutes of full power operation followed by three or four minutes at lower power settings. Furthermore, while the estimated construction noise levels at each of the off-site locations is loudest when construction activities are occurring at an area within the project site that is nearest to the off-site location, the majority of the time noise levels at these off-site locations will be reduced as construction activities conclude or move to another more distant location within the project site. Based on criteria set forth in the *L.A. CEQA Thresholds Guide*, construction activities lasting more than 10 days in a three-month period, which increase ambient exterior noise levels by 5 dBA or more at a noise sensitive use, normally result in a significant impact. Implementation of Mitigation Measures NOI-1 through NOI-7 and NOI-9 reduce the temporary increase in ambient daytime noise levels at the nearby sensitive receptors during project construction to the maximum extent feasible, as required under Section 112.05 of the LAMC. Therefore, the project's short-term on-site construction-related noise impacts are less than significant with implementation of these mitigation measures.

Ground-Borne Vibration: None of the existing off-site residential structures or the commercial/retail uses located to the east of the project site will be exposed to PPV ground borne vibration levels exceeding the FTA and Caltrans' 0.5 inches per second criteria. However, the retail structures located directly to the north of the project site will be exposed to potential vibration levels of 0.998 inches per second, which exceeds the 0.5 inches per second PPV Caltrans' and FTA building damage criteria. Implementation of Mitigation Measure NOI-8 reduces the ground-borne vibration levels at the retail structures located directly to the north of the project site during project construction. Under this mitigation measure, the operation of construction equipment that generates high levels of vibration, such as large bulldozers and loaded trucks, shall be prohibited within 10 feet of existing retail structures located directly north of the project site during project construction. Instead, small bulldozers not exceeding 310 horsepower shall be used within this area during demolition, grading, and excavation operations. The use of smaller bulldozers results in vibration levels of 0.38 inches per second PPV at these retail uses to the north of the project site, which does not exceed Caltrans' vibration criteria of 0.5 inches per second PPV for continuous/frequent intermittent vibration

sources. Therefore, the vibration impact is less than significant with the implementation of Mitigation Measure NOI-8.

5. Reference

For a complete discussion of impacts associated with the noise, please see Section 4.3 of the Draft EIR.

VIII. ENVIRONMENTAL IMPACTS FOUND TO BE SIGNIFICANT AND UNAVOIDABLE

The project results in the following impact, which is found to be significant and unavoidable.

A. Noise

Ambient Noise Levels: During project construction, the project is likely to expose existing off-site sensitive receptors to increased exterior noise levels. With the exception of Cedars-Sinai Medical Center, an increase in ambient exterior noise levels by 5 dBA or more will occur at all of the identified off-site sensitive receptors. Thus, short-term noise impacts from construction at these sensitive offsite locations are significant.

1. Mitigation Measure

The City finds that Mitigation Measures NOI-1 through NOI-9, which are incorporated into the project and incorporated in these Findings as fully set forth herein, further reduce construction noise levels at the existing noise sensitive land uses located near the project site. These mitigation measures require the implementation of noise reduction devices and techniques during construction at the project site, which serve to reduce the noise levels associated with construction of the project to the maximum extent that is technically feasible. However, these mitigation measures do not reduce the impact to a less-than-significant level.

2. Findings

Changes and alterations and mitigation measures, where available, have been required for or incorporated into the project to reduce unavoidable noise impacts to the greatest extent possible. There are no additional measures which the City can impose to reduce noise impacts to less-than-significant levels.

Even with compliance with Mitigation Measures NOI-1 through NOI-9, the temporary impacts related to construction of the project remain significant and unavoidable.

3. Rationale for Finding

Due to the proximity of the existing off-site sensitive uses to the project site, the project's construction activities expose these sensitive receptors to increased exterior noise levels. As set forth in the *L.A. CEQA Thresholds Guide*, a project normally has a significant impact on noise levels from construction if construction activities lasting more than 10 days in a three-month period exceed existing ambient exterior noise levels by 5 dBA or more at a noise-sensitive use. Based on the estimated noise levels at the nearest off-site sensitive receptors to the project site that are shown in Table 4.3-11, it was determined that an increase in ambient exterior noise levels by 5 dBA or more will occur at all of the identified off-site sensitive receptors, with the exception of the Cedars-Sinai Medical Center. The implementation of Mitigation Measures NOI-1 through NOI-9 reduce the construction noise levels at the existing noise sensitive land uses located near the project site. While implementation of these mitigation measures would render the project's construction activities in compliance with the City's noise regulations established in Sections 41.40 and 112.05 of the LAMC because all technically feasible noise-reduction measures will be used at the site, these mitigation measures do not fully attenuate the project's construction noise levels to a degree where an increase in ambient noise levels at the nearest off-site receptors by more than 5 dBA do not occur. An eight-foot barrier at the project site is only effective in reducing noise levels at the ground level. In addition to the Westbury Terrace condominium tower to the west, there are other nearby off-site uses that have receptors located at elevated heights in the direct line-of-sight of the project site during construction. These other nearby off-site uses are the mixed-use residential/retail building to the south (8500 Burton Way) and the multi-family residential buildings to the southwest on Burton Way, which are multi-story buildings. Due to the height of these nearby off-site buildings, no feasible measures are available to reduce the project's construction-related noise levels at these receptors. Consequently, the project's construction noise levels still exceeds the existing ambient noise levels at these nearby multi-story buildings by more than 5 dBA at receptors located above the ground level. Overall, because all of the identified off-site receptors, with the exception of the Cedars-Sinai Medical Center, will experience an increase in their existing ambient noise levels by more than 5 dBA, it is concluded that the project's construction activities generate a substantial temporary or periodic increase in ambient noise levels in the project vicinity, and these construction noise impacts are significant and unavoidable.

4. Reference

For a complete discussion of impacts associated with Noise, please see Section 4.3 of the Draft EIR.

IX. ALTERNATIVES TO THE PROJECT

In addition to the project, the Draft EIR evaluated a reasonable range of three alternatives to the project. These Alternatives are: (1) No Project Alternative; (2) Existing Zoning Alternative; and (3) Reduced Density Alternative. In accordance with CEQA requirements, the alternatives to the project include a "No Project" alternative and alternatives designed to reduce or avoid the significant adverse impacts of the project. These alternatives and their impacts, which are summarized below, are more fully described in section VI of the Draft EIR.

A. Summary of Findings

Based on the following analysis, the City finds, pursuant to CEQA Guidelines Section 15096(g)(2), that none of the alternatives or feasible mitigation measures within its powers would substantially lessen or avoid the significant effect from construction noise that the project would have on the environment.

B. Project Objectives

An important consideration in the analysis of alternatives is the degree to which such alternatives would achieve the objectives of the project. As more thoroughly described in the Chapter 2, *Project Description*, of the Draft EIR, both the City and applicant have established specific objectives concerning the project, which are incorporated by reference herein and discussed further below.

C. Project Alternatives Analyzed

1. Alternative 1 – No Project Alternative

Alternative 1, the No Project Alternative, would assume that the development of the 20-story mixed-use residential building on the 1.15-acre site would not occur. The No Project Alternative would not require a General Plan Amendment (GPA) to change the land use designation from Neighborhood Office Commercial to General Commercial. Nor would the alternative require a Vesting Zoning and Height District change from C2-1VL-O to (T)(Q)C2-2D-O to change the Height District 1VL to Height District 2D to allow construction of a 240-foot building. Under this Alternative, the existing vacant ground-floor commercial space, previously occupied by the Loehmann's Department Store, would be occupied by another commercial tenant. Under the No Project Alternative, there would be no project, no amendments, and the existing project site would continue to operate consistent with prior operations.

Impact Summary: The project results in a significant and unavoidable impact related to an increase in ambient exterior noise to existing sensitive receptors during construction. This would be avoided under the No Project Alternative. The No Project Alternative would avoid most of the project's less-than-significant impacts as

well. The No Project Alternative would not implement or meet any regional or local planning policies.

Findings: The No Project Alternative reduces adverse environmental impacts compared to the project. Therefore, the No Project Alternative is environmentally superior to the project. However, the No Project Alternative does not satisfy any of the Project Objectives, discussed below. It is found, pursuant to Public Resources Code section 21081, subsection (a)(3), that specific economic, legal, social, technological, or other considerations, including considerations identified in Section XII of these Findings (Statement of Overriding Considerations), make infeasible the No Project Alternative described in the Draft EIR.

Rationale for Findings: The No Project Alternative maintains the project site in its current condition with the existing three-story building, with a single-tenant department store space on the ground floor and a three level parking garage (including the roof). There would be no GPA to change the land use designation from Neighborhood Office Commercial to General Commercial, and no demolition, construction, and use of a mixed-use residential project. As a result, the No Project Alternative would not create 145 residential units, 7 of which would be set aside for Very Low Income Households and 6 for Moderate Income Households, nor generate 84 employees. In addition, the No Project Alternative would not create community serving amenities such as the 31,055 sf of commercial retail uses, including a 27,685 sf grocery market and 3,370 sf restaurant space, or ground level open space and water features. Therefore, the No Project Alternative would not meet any of the Project Objectives.

Reference: For a complete discussion of impacts associated with Alternative 1, please see Chapter 6 of the Draft EIR.

2. Alternative 2 - Existing Zoning Alternative

Alternative 2, the Existing Zoning Alternative, would develop the project site in compliance with the existing zoning and height designations. The Wilshire Community Plan designates the project site as Neighborhood Office Commercial and the City's Zoning Code designates the project site as C2-1VL-O (Commercial, Height District 1VL, Oil Drilling District). Under the existing zoning, Height District 1VL is limited to a maximum building height of 45 feet, and a FAR of 1.5:1. Uses permitted in the C2 zone include, but are not limited to, offices (business or professional), retail stores or repair shops, restaurants or cafes, amusement enterprises, residential uses (that must comply with requirements of the R4 zone, Section 12.11, C.2 and 3), uses permitted in C1.5 Limited Commercial Zones, including retail and specialty stores, hotels, and residential uses, hospitals, and medical or dental clinics and laboratories. Under this Alternative, there would be no GPA to change the land use designation from Neighborhood Office Commercial to

General Commercial. Under the Existing Zoning Alternative, there would be two development options. Option 1 would include the development of a 3-story, 45-foot tall building, with 132,000 square feet (sf) of medical office uses on all three floors. Option 2 would include the development of a 3-story, 45-foot tall building, with ground floor medical office uses and 2 stories of residential units above, totaling 40 units (20 units per floor). Under both options, there would be two levels of underground parking.

Impact Summary: The Existing Zoning Alternative (Options 1 and 2) would not avoid the project's significant and unavoidable construction noise impact. In addition, this Option 1 would increase the daily vehicle trips to the project site compared to the project. Given this increase, the volume-to-capacity ratio at these intersections would increase and potentially exceed the significance thresholds set forth by LADOT and City of Beverly Hills.

Findings: The Existing Zoning Alternative would have a similar significant and unavoidable impact as the project, with regard to construction noise. In addition, this option would increase the daily vehicle trips to the project site compared to the project. Given this increase, the volume-to-capacity ratio at these intersections would increase and potentially exceed the significance thresholds set forth by LADOT and City of Beverly Hills. Thus, it is likely that Alternative 2, Option 1 would result in a greater transportation impact than the proposed project. Impacts associated with the remaining environmental issues would be similar or less than those of the proposed project. Alternative 2 is rejected as infeasible because it does not satisfy the basic project objectives.

Rationale for Findings: Option 1 would meet the project objectives to provide services needed in the community and to minimize impacts to the environmental by using sustainable building practices including water and energy saving design principles. Given that Alternative 2, Option 1 would develop the site with medical office uses only, though, it would not meet the project objective to develop the project site with an aesthetically pleasing and well-designed mixed-use housing and retail development. While this option would develop a new use on the project site, the aesthetic character and use of the site would be similar to what currently exists. In addition, Option 1 would not fully meet the project objectives that promote the development of high quality, high-density mixed-use residential and retail uses adjacent to major public transportation lines, in close proximity to employment, goods, and services, and near compatible uses. It would also not meet the project objective to create open space and recreational opportunities for residents, nor would it provide new ground level open space and water features that would enhance the visual character of the neighborhood. Furthermore, this alternative would not encourage pedestrian activity with walkability and safety improvements, landscaping, and high quality architecture.

Option 2 would include the development of both medical office and residential uses. Similar to Option 1 and the project, Option 2 would meet the project objectives to provide goods and services needed in the community and to minimize impacts to the environmental by using sustainable building practices including water and energy saving design principles. However, while this alternative would provide mixed-use housing that is complementary to the community's character, adjacent to major public transportation lines, to employment, goods, and services, and near compatible uses, it would not provide high-density housing which is one of the key components of the project objectives. Thus, Option 2 would not meet this objective. In addition, Option 2 would not create open space and recreational opportunities for residents, nor would it provide new ground level open space and water features that would enhance the aesthetic of the neighborhood. Furthermore, this alternative would not encourage pedestrian activity with walkability and safety improvements, landscaping, and visually stimulating architecture.

Reference: For a complete discussion of impacts associated with Alternative 1, please see Chapter 6 of the Draft EIR.

3. Alternative 3 – Reduced Density Alternative

The Reduced Density Alternative would reduce the density of the project, including a reduction in height, commercial square footage, and residential units. The height of the building would be reduced from 240 feet to 87 feet, which would reduce the structure from 20 stories to a maximum of 8 stories in height. Residential units would be reduced to 87 units and commercial square footage would be reduced to 20,000 sf. Under this Alternative, an amendment to the General Plan would still be required to change the land use designation from Neighborhood Office Commercial to General Commercial, consistent with surrounding designations. In addition, a Zoning and Height District amendment would also be required to change the designation from C2-1VL-O to (T)(Q)C2-2D-O, which would allow an increase in building height from 45 feet to 87 feet high. This Alternative would develop an 8-story, 87-foot tall, mixed-use residential building similar to the neighboring 8-story mixed use residential/retail building at 8500 Burton Way, with 20,000 sf of ground floor commercial-retail land uses, 87 residential units above, and two levels of underground parking and two levels of above-ground parking.

Impact Summary: The Reduced Density Alternative would not avoid the project's significant and unavoidable construction noise impact. Impacts associated with the remaining environmental issues would be similar or slightly less than those of the project. Because Alternative 3 would not meet basic project objectives, it is rejected as infeasible.

Findings: Under Alternative 3, similar amendments to the Zoning and Height District designations would be required to change the allowable building height as the

project. In addition, a GPA would be required to change the land use designation from Neighborhood Office Commercial to General Commercial. Alternative 3 would be required to comply with the City's Building Code requirements and, as such, noise impacts associated with land use compatibility would be less than significant, similar to those of the project. But the Reduced Density Alternative would not avoid the significant and unavoidable impact of the project with respect to construction noise.

Rationale for Findings: The Reduced Density Alternative would reduce the density of the project, including a reduction in height, commercial square footage, and residential units. The height of the building would be reduced from 240 feet to 87 feet, which would reduce the structure from 20 stories to a maximum of 8 stories in height. Residential units would be reduced to 87 units and commercial square footage would be reduced to 20,000 sf. Similar to the project, the Reduced Density Alternative would include both commercial/retail and residential uses. The Reduced Density Alternative would meet the project objectives to include retail that provides goods and services needed in the community and to minimize impacts to the environment by using sustainable building practices including water and energy saving design principles. However, while this alternative would provide mixed-use housing that is complementary to the community's character and uses, adjacent to major public transportation lines, and close to employment, goods and services, it would not provide high-density housing, one of the key components of the project objectives. While this alternative would provide an amenity level, similar to the project, it would not provide new ground level open space and water features that would enhance the neighborhood. Thus, this alternative would not meet the project objectives to provide open space and amenities for pedestrians and residents. Furthermore, this alternative would not encourage pedestrian activity with walkability and safety improvements, landscaping, and high quality architecture.

Reference: For a complete discussion of impacts associated with Alternative 1, please see Chapter 6 of the Draft EIR.

D. Alternatives Rejects as Being Infeasible

In addition to the three alternatives listed above, two other alternatives were considered and rejected. The first alternative considered, the All Commercial Alternative, would require the same General Plan Amendment and Zoning Code Change as the project. However, the building would contain a ground floor grocery store and commercial office above. Under this Alternative, there would be no residential uses on-site. The height of the building under this Alternative would be reduced to 11 stories. While this alternative would reduce the duration of construction activities and, therefore, shorten the duration of construction noise impacts to the surrounding sensitive receptors, there would still be a significant and unavoidable noise impact. In addition, as an all-commercial use, this alternative

would conflict with the Wilshire Community Plan which identifies La Cienega Boulevard as a mixed-use corridor and which promotes the development of new mixed-use residential uses to activate a high-trafficked corridor. Accordingly, this alternative was considered but rejected as infeasible

The second alternative, Alternative Off-site Location, would consider an alternate site. This alternative was rejected as being infeasible because development of the project at an alternate off-site location would not be consistent with the project's purpose and objectives. The project's purpose and key objectives are to develop an underutilized site with an aesthetically pleasing and well-designed mixed-use housing and retail development that is distinctive and complementary to the community's commercial and mixed-use character and that locates high-density residential uses adjacent to major transportation lines including the planned Metro Purple Line station at Wilshire Boulevard and La Cienega Boulevard, existing Metro local bus lines, Los Angeles Department of Transportation DASH route and an Antelope Valley bus line. Moreover, the mixed-use nature of the project would not complement another location that is not designated a mixed-use boulevard. As such, the project is focused on the development of the particular site, which is under the ownership of the project applicant. No equivalent alternative site exists. Accordingly, this alternative was considered but rejected as infeasible

E. Environmentally Superior Alternative

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

The Draft EIR provides a comparative summary of the environmental impacts anticipated under each alternative with the environmental impacts associated with the project in Table 6-1, Summary of Project and Alternative Impacts. Pursuant to Section 15126.6(c) of the CEQA Guidelines, the analysis presented above addresses the ability of the alternatives to "avoid or substantially lessen one or more of the significant effects" of the project.

As previously stated, the intent of the alternatives analysis is to reduce the significant impacts of a project. Implementation of the project would result in a significant and unavoidable impact on a project level with regard to construction noise.

Alternative 1, the No Project Alternative, would eliminate all of the significant impacts of the project, including construction noise, as there would be no change to

the existing site conditions. As Alternative 1 eliminates all of the project's significant impacts, it is determined to be the Environmentally Superior Alternative. In accordance with the CEQA Guidelines requirement to identify an Environmentally Superior Alternative other than the No Project Alternative, a comparative evaluation of the remaining alternatives was conducted and indicates that Alternative 2, the Existing Zoning Alternative, Option 2 would reduce project impacts to a greater degree than Alternative 3; however, the significant and unavoidable impact to construction noise would remain under both Alternatives 2 and 3. Nonetheless, because Alternative 2, Option 2 reduces impacts to a greater degree than Alternative 3, the Existing Zoning Alternative, Option 2 is selected as the Environmentally Superior Alternative.

X. OTHER CEQA CONSIDERATIONS

A. Growth Inducing Impacts

Section 15126(d) of *CEQA Guidelines* requires that an EIR discuss the ways in which the project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment.

The project would develop a 20-story mixed-use residential building, with commercial retail on the ground floor and 145 residential units (Levels 5-19), with 7 of those units set aside for Very Low Income Household and 6 units set aside for Moderate Income Households. The 145 residential units would generate approximately 331 new residents to the Wilshire Community Plan area. The project would also provide employment opportunities, primarily through employment associated with the 31,055 sf of commercial retail development, including a 27,685 sf grocery store and 3,370 sf of restaurant space. The residential units provided by the project would be expected to result in direct population growth. Growth inducement potential can be measured through evaluating consistency with regional growth projections. The City of Los Angeles anticipates at build-out (which was projected for the year 2010 but was not reached at the time), that the Wilshire Community Plan area would increase by an overall 29 percent to 377,144 from a 2014 population of 290,383 persons, which would therefore accommodate the increases in population and housing anticipated by the project. The project's population represents 0.39 percentage of the 2010 population growth forecast. Because the proposed project would include the construction of both residential and commercial uses, some of the additional demand for commercial uses that would be generated by the proposed residential uses could be accommodated on the project site. The proposed commercial uses could also result in a limited potential to demand housing for its employees, but employees would be filled by the local economy and would not require employees to move to the project or vicinity. Therefore, the implementation of the project would not result in a substantial inducement of growth at the project site or in the vicinity.

A project would indirectly induce growth if it would increase the capacity of infrastructure in an area in which the public service currently meets demand. Examples would be increasing the capacity of local utilities or roadway improvements beyond that needed to meet existing demand. Such an increase could indirectly induce population growth within the vicinity of a project. The project proposes amendments to the General Plan and Zoning Code, which would modify the City's existing land use and could potentially result in the need to increase the City's infrastructure to service the project site. However, as discussed in the Initial Study (Appendix A), the project site is located on an already developed site and would utilize existing infrastructure connections. Thus, the project would not result in the need for additional infrastructure in the vicinity of the project and, thus, no indirect growth would occur. No other sources of indirect growth have been identified.

B. Significant Irreversible Environmental Changes

In accordance with Section 15126.2(c) of the CEQA Guidelines, an EIR is required to evaluate significant irreversible environmental changes that would be caused by implementation of the project. As stated in CEQA Guidelines Section 15126.2(c), "[u]ses of nonrenewable resources during the initial and continued phases of the project may be irreversible since a large commitment of such resources makes removal or nonuse thereafter unlikely. Primary impacts and, particularly, secondary impacts (such as highway improvement which provides access to a previously inaccessible area) generally commit future generations to similar uses. Also, irreversible damage can result from environmental accidents associated with the project. Irretrievable commitments of resources should be evaluated to assure that such current consumption is justified."

The project would require the consumption of renewable and non-renewable resources during the temporary construction phase of the project and would continue throughout its operational lifetime. Project development would include the following commitment of resources: building materials, fuel and operational materials/resources, and transportation of goods and people to the project site. Several non-renewable resources, or renewable resources that are non-replenishable or may renew so slowly as to be considered non-renewable, would be required during project construction, such as certain types of lumber and other forest supplies; aggregate materials contained in concrete and asphalt including sand, gravel and stone; metals such as steel, cooper, and lead; petrochemical construction materials such as plastics; and water. Additionally, non-renewable fossil fuels such as gasoline and oil would also be consumed in the use of construction vehicles and equipment, as well as the transportation of goods and people to and from the project site.

Project operation would increase the amount of nonrenewable resources that are currently consumed within the City. These resources would include energy resources and natural gas, petroleum-based fuels required for vehicle-trips, fossil fuels and water. Fossil fuels would be considered the primary energy source associated with both construction and ongoing operation of the proposed project, and the existing, finite supplies of these natural resources would be incrementally reduced. However, this resource consumption would be consistent with growth and anticipated growth in the Los Angeles area.

In addition, the project would contribute to a land use pattern that would reduce reliance on private automobiles and the consumption of nonrenewable resources when considered in a larger context. The project would provide 145 residential units close to the regional commercial uses immediately north of the project site such as the Beverly Center and Beverly Connection. The project site is located within a highly urbanized neighborhood, with access to public transit and bicycle infrastructure. Given its location, the project site would support pedestrian access to a considerable range of employment, retail, and entertainment activities. The project also provides access to the regional transit system, including various Metro Local bus lines 105, 21, 707, 16/316, and 30/330; the DASH bus lines; and the Antelope Valley Transit bus lines. The future Wilshire/La Cienega Station as a result of the heavy-rail (subway) Metro Purple Line extension is anticipated to be located within one-half mile of the project site. These factors would contribute to a land use pattern that is considered to reduce the consumption of non-renewable resources.

The project would be designed to meet certain LEED standards through the incorporation of green building techniques and other sustainability features. Energy efficient features include, but are not limited to: energy efficiency above that required by Title 24; construction and demolition waste recycling; bicycle storage; storm water treatment features; energy-star rated residential appliances, green roofs to provide open space and reduce solar gain; and HVAC features that improve indoor environmental quality.

Continued use of non-renewable resources during construction and operation on a relatively small scale would be consistent with regional and local growth forecasts in the area, as well as state and local goals for reductions in the consumption of such resources. Also, the project would not affect access to existing resources, nor interfere with the production or delivery of such resources. The project site contains no energy resources that would be precluded from future use through project implementation. The project's irreversible changes to the environment related to the consumption of nonrenewable resources would be less than significant.

C. CEQA Considerations

1. The City, acting through the Department of City Planning, is the "Lead Agency" for the project evaluated 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: Aesthetics, Land Use and Planning, Noise, and Transportation and Circulation. Additionally, the EIR considered Growth Inducing Impacts and Significant Irreversible Environmental Changes. 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 decisions makers and the public at large in their consideration of the environmental consequences of the project. The public review period provided all interested jurisdictions, agencies, private organizations, and individuals the opportunity to submit comments regarding the Draft EIR. The Final EIR was prepared after the review period and responds to comments made during the public review period.

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

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

6. The Final EIR documents changes to the Draft EIR. The Final EIR provides additional information that was not included in the Draft EIR. Having reviewed the information contained in the Draft EIR and the Final EIR and in the administrative record, as well at the requirements of CEQA and the CEQA Guidelines regarding recirculation of Draft EIRs, the City finds that there are no new significant impacts, substantial increase in the severity of a previously disclosed impact, significant

information in the record of proceedings or other criteria under CEQA that would require recirculation of the Draft EIR, or preparation of a supplemental or subsequent EIR.

Specifically, the City finds that:

a) The Responses To Comments contained in the Final EIR fully considered and responded to comments claiming that the project would have significant impacts or more severe impacts not disclosed in the Draft EIR and include substantial evidence that none of these comments provided substantial evidence that the 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.

b) 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.

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

7. The mitigation measures identified for the project were included in the Draft and Final EIRs. As revised, 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.

8. CEQA requires the Lead Agency approving a project to adopt a MMP or the changes to the project which it has adopted or made a condition of project approval in order to ensure compliance with the mitigation measures during project implementation. The mitigation measures included in the EIR as certified by the City as adopted by the City serves 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.

9. In accordance with the requirements of Public Resources Section 21081.6, the City hereby adopts each of the mitigation measures expressly set forth herein as conditions of approval for the project.

10. The custodian of the documents or other material which constitute the record of proceedings upon which the City's decision is based is the Department of City Planning.

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

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

13. 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 other regulatory jurisdictions.

14. The City finds that none of the public comments to the Draft EIR or subsequent public comments or other evidence in the record, including the changes in the project in response to input from the community and the Council Office, include or constitute substantial evidence that would require recirculation of the Final EIR prior to its certification and that there is no substantial evidence elsewhere in the record of proceedings that would require substantial revision of the Final EIR prior to its certification, and that the Final EIR need not be recirculated prior to its certification.

XI. STATEMENT OF OVERRIDING CONSIDERATIONS

The Final EIR identified the following significant and unavoidable impact: 1) Noise – On-site Construction Noise. Section 21081 of the California Public Resources Code and Section 15093(b) of the CEQA Guidelines provide that when the decisions of the public agency allow the occurrence of significant impacts identified in the Final EIR that are not substantially lessened or avoided, the lead agency must state in writing the reasons to support its action based on the Final EIR and/or other information in the record. Article I of the City's CEQA Guidelines incorporates all of the State CEQA Guidelines contained in Title 15, California Code of Regulations, Sections 15000 et seq. and thereby requires, pursuant to Section 15093 (b) of the CEQA Guidelines, that the decision maker adopt a Statement of Overriding Considerations at the time of approval of a Project if it finds that significant adverse environmental effects identified in the Final EIR cannot be substantially lessened or avoided. These findings and the Statement of Overriding Considerations are based

on substantial evidence in the record, including but not limited to the Final EIR, the source references in the Final EIR, and other documents and material that constitute the record of proceedings.

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

Summarized below are the benefits, goals, and objectives of the project. These provide the rationale for approval of the project. Any one of the overriding considerations of economic, social, aesthetic and environmental benefits individually would be sufficient to outweigh the significant unavoidable impact of the project and justify the approval, adoption or issuance of all of the required permits, approvals and other entitlements for the project and the certification of the completed Final EIR.

Despite the unavoidable noise impact caused by the construction of the project, the City approves the project based on the following contributions of the project to the community. The project will:

- Develop an infill site with a high-density, mixed-use development with much needed rental housing, including 7 units for Very Low Income Households and 6 units for Moderate Income Households, near employment centers like the Cedars-Sinai Medical Center and Beverly Center, and next to the mixed-use boulevard and district identified in the Wilshire Community Plan along 3rd Street between La Cienega Boulevard and Fairfax Avenue.

- Provide new retail with goods and services needed in the community, specifically a 27,685 square-foot grocery market and a 3,370 square-foot restaurant, that complements the commercial uses in the surrounding vicinity, including the Beverly Center, Beverly Connection, commercial/retail shops along 3rd Street and the ground floor retail located at 8500 Burton Way. These new retail uses will also generate 84 new jobs.

- Reinforce the City's commitment to facilitating a reduction in air quality, greenhouse gas and traffic impacts by locating employment-generating land uses and residences in an area well served by public transportation, including, but no limited to, the Metro Purple Line station at Wilshire Boulevard and La Cienega Boulevard (expected 2023) and existing Metro local bus lines, a Los Angeles Department of Transportation DASH route, and an Antelope Valley bus

line, thereby reducing vehicles miles traveled and associated air quality and greenhouse gas emissions impacts.

- Support the City's policies related to encouraging multimodal transit by providing 299 bicycle parking spaces throughout the project site, including in a fully-covered and secured "bike lounge" with direct access to the bicycle lane on San Vicente Boulevard. In addition, the project improves bicyclist safety by adding green painted bicycle lanes with conflict markings along San Vicente Boulevard and Burton Way, and adding a bicycle signal request light on the west side of the project site along San Vicente Boulevard. The project further supports other modes of transit by adding a new bus shelter for the Metro Local Route 105 bus line along La Cienega Boulevard, north of San Vicente Boulevard.

- Add new open space by replacing an underutilized building currently used as a parking structure with a new, ground level 6,910 square-foot plaza with landscaping and a water feature with sitting areas at the corner of La Cienega Boulevard and San Vicente Boulevard that enhances the visual character of the neighborhood and creates a pedestrian-friendly environment within and around the project site. This new open space at this location also establishes a primary entry to the Cedars Sinai-Beverly Center as recommended by the Wilshire Community Plan.

- Activate the public realm and improve the pedestrian experience by enhancing the existing streetscape with improvements, such as new trees and sidewalk parkways. In addition, the project further supports pedestrian safety by adding the following: enhanced crosswalks from the project site across La Cienega Boulevard, San Vicente Boulevard and on Burton Way; a widened crosswalk in front of 8500 Burton Way; a new controlled right-turn light along the southbound lane of La Cienega Boulevard, north of San Vicente Boulevard; a new landscaped median with a pedestrian refuge island along La Cienega Boulevard, north of San Vicente Boulevard; and a new pedestrian signalized crossing with enhanced crosswalks at La Cienega Boulevard and Blackburn Avenue.

- Create a 1,650 square-foot community room with a small meeting room and preparation kitchen for the use of residents and other community members.

Finding: For all the foregoing reasons, the City finds that the benefits of the project, as approved, outweigh and override the significant and unavoidable impact identified above.

FINDINGS OF FACT (SUBDIVISION MAP ACT)

In connection with the approval of Vesting Tentative Tract Map No. 74131 the Advisory Agency of the City of Los Angeles, pursuant to Sections 66473.1, 66474.60, .61 and .63 of

the State of California Government Code (the Subdivision Map Act), makes the prescribed findings as follows:

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

The project site is located within the adopted Wilshire Community Plan area and is designated with a Neighborhood Office Commercial land use with the corresponding C1, C1.5, C2, C4, P, CR, RAS3, and RAS4 Zones. The project site contains approximately 1.15 net acres (50,216 net square feet). The applicant is requesting approval of a General Plan Amendment from Neighborhood Office Commercial and a Vesting Zone Change from C2-1VL-O to (T)(Q)C2-2D-O. The proposed General Commercial land use designation will be consistent with the proposed (T)(Q)C2-2D-O Zone upon approval of Case No. CPC-2015-896-GPA-VZC-HD-MCUP-ZV-DB-SPR.

The project is not subject to the Specific Plan for the Management of Flood Hazards, floodways, floodplains, mud-prone areas, coastal high-hazard and flood-related erosion hazard areas, or any other specific plan.

The project includes the construction of a mixed-use development consisting of a 16 percent Density Bonus to provide an additional 20 units in lieu of 125 base units, for a total of 145 residential units, with 10 percent of the permitted base density set aside for affordable housing, and 31,055 square feet of commercial uses. As part of the total 145 units, the project will set aside 7 units for Very Low Income Households and 6 units for Moderate Income Households. The development features one tower, up to 240 feet in height. The total floor area of the project upon full buildout is 294,294 square feet. The project also includes 362 parking spaces and 299 bicycle parking spaces.

The proposed subdivision consists of one master ground lot (Lot 1) and four additional air space lots (Lots 2-5). The master ground lot also goes up into the air, and, therefore, the subdivision consists of a total of five airspace lots.

The Subdivision Map Act requires the Advisory Agency to find the proposed map be consistent with the General Plan. The Wilshire Community Plan, a part of the Land Use Element of the City's General Plan, states the following objectives and policies that are relevant to the project:

Policy 1-1.4: Provide for housing along mixed-use boulevards where appropriate.

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.
Objective 1-4:	Provide affordable housing and increased accessibility to more population segments, especially students, the handicapped and senior citizens.
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 2-2.1:	Encourage pedestrian-oriented design in designated areas and in new development.
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.
Policy 15-1.2:	Develop off-street parking resources, including parking structures and underground parking in accordance with design standards.

The project site is located along 3rd Street, which is designated as a mixed-use boulevard in the Wilshire Community Plan. This project therefore helps achieve Policy 1-1.4 above by locating new housing along mixed-use boulevards.

In addition, the project helps achieve Policy 1-2.1 and Objective 1-2 above as well as the vision of the City's Housing Element 2013-2021"to create for all residents a city of livable and sustainable neighborhoods with a range of housing types, sizes and costs in proximity to jobs, amenities and services." The project helps achieve these policies by providing needed housing along several transit lines, including the future Metro Purple Line extension to Wilshire and La Cienega, Metro Local bus lines 105, 218, 16/316, and Metro Rapid bus line 705, which stop at the southwest corner of La Cienega Boulevard and 3rd Street, and Metro Local bus lines 20 and 105 and Metro Rapid bus lines 705 and 720, which stop at the northwest corner of La Cienega Boulevard and San Vicente Boulevard. In addition, LADOT operates the DASH Fairfax route, which connects the Cedars-Sinai Medical Center and the intersection of La Brea Avenue and Wilshire Boulevard, and runs

along 3rd Street and La Cienega Boulevard in the vicinity of the project site. Finally, the project achieves Objective 1-4 by providing 7 units that are set aside for Very Low Income Households and 6 units set aside for Moderate Income Households.

The project is also consistent with the City's Framework Element which states that anticipated growth should be directed toward high-density, mixed-use centers and to the neighborhoods around its 80 rail stations. In addition, the project specifically fulfills Objective 1-2 of the Wilshire Community Plan through accessibility to regional and community commercial centers and other services and facilities including the Beverly Connection, Beverly Center, and Cedars-Sinai Medical Center.

The project also helps achieve Policy 2-1.2 by integrating commercial uses into the development, preventing a standalone residential project from being constructed. Specifically, the project includes 31,055 square feet of commercial uses consisting of a 27,685 square-foot grocery market and a 3,370 square-foot restaurant. In addition, the proposed General Plan land use designation of General Commercial will be consistent with the proposed zone upon approval of Case No. CPC-2015-896-GPA-VZC-HD-MCUP-ZV-DB-SPR. Therefore, the proposed General Commercial land use will help achieve the Wilshire Community Plan's Policy 2-1.2 to protect existing and planned commercially zoned areas.

The project is also consistent with Objective 2-2, Policy 2-2.1 and Policy 2-2.3 above by creating new commercial uses in a unified, pedestrian-friendly development. In terms of helping to achieve Objective 2-2, the project will contribute to the existing commercial uses along La Cienega Boulevard and 3rd Street, further promoting the viability of those two mixed-use boulevards. In addition, the project achieves Policy 2-2.1 and Policy 2-2.3 by including 31,055 square feet of commercial-retail on the ground floor of the development. The first floor frontage will include pedestrian amenities, including outdoor seating and improved sidewalks with parkways. Therefore, the project will enhance the appearance of the existing area by replacing an underutilized building that lacks landscaping with a contemporary architectural design that includes an open space fronting the commercial uses. In addition, the project also provides community-serving uses including a proposed restaurant and market at the ground level with abundant glazing and awnings to enhance the appearance and quality of the commercial district and activate the street.

In order to achieve Policy 15-1.2, the project will include two subterranean parking levels and three levels of aboveground parking (Levels 2 through 4). Therefore, the project will develop off-street parking resources including parking structures and underground parking in accordance with design standards.

Therefore, as conditioned, the proposed vesting tract map is consistent with the intent and purpose of the Wilshire Community Plan.

(b) THE DESIGN AND IMPROVEMENT OF THE PROPOSED SUBDIVISION ARE

CONSISTENT WITH APPLICABLE GENERAL AND SPECIFIC PLANS.

The design and improvement of the proposed subdivision will be consistent with the update to the City's General Plan Transportation Element: Mobility Plan 2035. Specifically, 3rd Street, to the north of the project site, is designated an Avenue II in the Mobility Plan 2035, dedicated to an 86-foot width. La Cienega Boulevard, adjoining the project site to the east, is designated an Avenue I in the Mobility Plan 2035, dedicated to a 100-foot width. Burton Way, adjoining the project site to the south, is designated an Avenue II in the Mobility Plan 2035, dedicated to an 86-foot width. San Vicente Boulevard, adjoining the project site to the west, is designated a Boulevard II in the Mobility Plan 2035, dedicated to a 110-foot width. In order to be consistent with the aforementioned designations in Mobility Plan 2035, the project requires the construction of concrete curbs, concrete gutters, suitable surfacing to join the existing pavement, and a concrete sidewalk with tree wells along San Vicente Boulevard, including a suitable radius property line return at the intersection with La Cienega Boulevard to provide for a necessary ADA-compliant handicap ramp. There are currently two existing on-site driveways, one driveway at the intersection of La Cienega with Blackburn and the second driveway at the northwest corner of the existing building, which will both be maintained. In addition, the project involves the creation of three new driveways located at approximately mid-block locations or at a sufficient distance from adjacent intersections to not interfere with driver and pedestrian visibility and safety in accordance with LADOT standards and approvals. Finally, nine new streetlights are required for the project: five on San Vicente Boulevard and four on La Cienega Boulevard. In addition, the project will provide the following improvements: enhanced crosswalks from the project site across La Cienega Boulevard, San Vicente Boulevard and on Burton Way; a widened crosswalk in front of 8500 Burton Way; a new controlled right-turn light along the southbound lane of La Cienega Boulevard, north of San Vicente Boulevard; a new landscaped median with a pedestrian refuge island along La Cienega Boulevard, north of San Vicente Boulevard; green painted bicycle lanes with conflict markings along San Vicente Boulevard and Burton Way; a bicycle signal request light on the west side of the project site along San Vicente Boulevard; and a new pedestrian signalized crossing with enhanced crosswalks at La Cienega Boulevard and Blackburn Avenue.

The project also provides infrastructure improvements including a minimum of 62 new on-site trees and pedestrian amenities along the streets. Specifically, San Vicente Boulevard and La Cienega Boulevard are designed to provide for an enhanced pedestrian experience with new sidewalks, curbs, gutters, landscape parkways, and retail entries with abundant glazing and canopies along the street-level frontage. In addition, a new open space with landscaping and sitting areas will be located on the project site at the intersection of La Cienega Boulevard and San Vicente Boulevard.

The project includes 362 total parking spaces for commercial uses within a two-level subterranean parking garage and parking spaces for residential uses within an aboveground enclosed garage on Levels 2 through 4. The parking structure is physically integrated within the project site. The various parking areas are accessed via two

driveways on San Vicente Boulevard: the northernmost driveway for retail parking access and the driveway at approximately midblock for residential parking access. The residential parking can also be accessed by entering the driveway on La Cienega Boulevard at Blackburn Avenue. In each case, the vehicular driveway into the garage is the minimum width required to be as efficient as possible. The project also provides 299 bicycle parking spaces.

Therefore, as conditioned, the design and improvement of the proposed subdivision are consistent with the applicable General Plan.

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

The project site is physically suitable for the proposed subdivision because it is already developed with an existing building and is located in a highly urbanized area. Specifically, the 1.15 net-acre project site is currently developed with an approximately 131,338 square-foot, three-story building consisting of a department store space (formerly Loehmann's, currently vacant) on the ground level and an operating parking garage on levels 2, 3 and the roof.

The project consists of the demolition of the existing building and new construction of a mixed-use development consisting of a 16 percent Density Bonus to provide an additional 20 units in lieu of 125 base units, for a total of 145 residential units, with 10 percent of the permitted base density set aside for affordable housing, and 31,055 square feet of commercial uses. As part of the total 145 units, the project will set aside 7 units for Very Low Income Households and 6 units for Moderate Income Households. The development will be up to 240 feet in height. The project's proposed land use designation is General Commercial and the proposed zone is (T)(Q)C2-2D-O. The C2 zone allows commercial uses and multiple dwelling uses, thus allowing the proposed mixed-use project.

The project site is relatively flat and located within an urbanized area and is not located in a slope stability study area, or a fault/rupture study zone. However, the proposed subdivision is located in a liquefaction seismic hazard zone as designated by the State of California and, therefore, tract approval is contingent upon the completion of a liquefaction analysis as well as preliminary foundation and shoring recommendations based on the liquefaction analysis and proposed subsurface structures to the satisfaction of the Department of Building and Safety, Grading Division prior to the recordation of the map and issuance of any permits. With the conditions as set forth by the Department of Building and Safety, Grading Division, the site is physically suitable for the proposed development.

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

While the project introduces new residential and commercial uses on an underutilized lot

that consists of a parking structure that is currently in operation and a vacant store, the project site is physically suitable for the proposed density of the subdivision because it is a commercially zoned infill site within an already high-density commercial, institutional and residential area. Specifically, the properties located directly north of the subject property, along the north side of 3rd Street, are within the [T][Q]C2-1VL-O, C2-1, C2-1-O, and [T][Q]C2-2D-O Zones and developed with the Beverly Connection, Beverly Center, and Cedars-Sinai Medical Center. The properties located east of the subject property, along the east side of La Cienega Boulevard, are within the C2-1VL-O Zone and developed with various retail uses, including a Pet Smart, Coffee Bean, a bridal shop, cell phone stores, and a flower shop. The property located directly south of the subject property, along the south side of Burton Way, is within the (Q)C2-2D-O Zone and is developed with a mixed-use residential/retail building at 8500 Burton Way. In addition, there are various large multi-family residential complexes on Burton Way farther to the west. The properties located to the west of the subject property, along the west side of San Vicente Boulevard, are within the C2-1VL-O and [Q]R4-1-O Zones and developed with the Westbury Terrace condominium tower and Our Lady of Mount Lebanon-St. Peter Cathedral church.

The project site is physically suitable for the proposed density consisting of 145 residential units and 31,055 square feet of commercial space. With the proposed General Plan Amendment and Vesting Zone Change, the project will have a General Commercial land use designation and be within the (T)(Q)C2-2D-O Zone. The allowable density in the C2 zone is the same as the R4 zone for residential uses; that is equal to 400 square feet of lot area per dwelling unit. Therefore, the permitted base density allows 125 units (50,216 square feet ÷ 400 square feet/unit = 125 units). The project is requesting a 16% Density Bonus to provide an additional 20 units in lieu of the 125 base units, for a total of 145 units. The C2 zone also allows residential and commercial uses, thus allowing the mixed-use project. In addition, the project includes approximately 26,862 square feet of usable common and private open space, in excess of the minimum 19,425 square feet of open space required by the Los Angeles Municipal Code (LAMC). The project's open space improvements include a new 6,910 square foot plaza at the southern tip of the project site at the intersection of Burton Way, San Vicente Boulevard and La Cienega Boulevard. There are no setbacks provided as a part of the proposed project so the podium base and landscaped areas would occupy the entire parcel. Finally, the project provides a total of 362 parking spaces within a parking structure that is physically integrated within the project site, ensuring adequate parking for the proposed high-density project.

The project, as conditioned and with approval of the requested General Plan Amendment to change the land use designation to General Commercial and Vesting Zone Change to (T)(Q)C2-2D-O, complies with all LAMC requirements for parking, yards and open space. Therefore, as conditioned, the proposed vesting tract map is physically suitable for the proposed density of the development.

(e) THE DESIGN OF THE SUBDIVISION AND THE PROPOSED IMPROVEMENTS ARE NOT LIKELY TO CAUSE SUBSTANTIAL ENVIRONMENTAL DAMAGE OR

SUBSTANTIALLY AND AVOIDABLY INJURE FISH OR WILDLIFE OR THEIR HABITAT.

The EIR prepared for the project identifies no potential adverse impacts on fish or wildlife resources. The project site, as well as the surrounding area, are presently developed with residential, institutional and commercial structures and do not provide a natural habitat for either fish or wildlife. The project site is presently improved with a single-tenant department store space (formerly Loehmann's, now vacant) on the ground level and a parking garage above the retail space and does not contain any natural open spaces, act as a wildlife corridor, contain riparian habitat, wetland habitat, migratory corridors, conflict with any protected tree ordinance, conflict with a Habitat Conservation Plan, nor possess any areas of significant biological resource value. Therefore, the design of the subdivision would not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

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

There appear to be no potential public health problems caused by the design or improvement of the proposed subdivision.

The development is required to be connected to the City's sanitary sewer system, where the sewage will be directed to the Hyperion Treatment Plant, which has been upgraded to meet Statewide ocean discharge standards. The Bureau of Engineering has reported that the proposed subdivision does not violate the existing California Water Code because the subdivision will be connected to the public sewer system and will have only a minor incremental impact on the quality of the effluent from the Hyperion Treatment Plant.

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

The Bureau of Engineering indicated in their comment letter dated September 1, 2016 that the proposed improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision. A 20-foot wide easement for underground storm drain and appurtenances in favor of the Los Angeles County Flood Control District is located through a portion of the project site. The project proposes improvements above grade over the easement area while the underground structures are located outside the easement area. The County issued conceptual approval (County permit No. PCFL 201602446) for the project subject to satisfying certain conditions and obtaining final approval from the County prior to construction. The tentative map is conditioned to require that a certified copy of a covenant and agreement executed with the County Flood Control District be provided to the City and that the County provide a letter

stating that the applicant has satisfied the conditions set forth in the County's conceptual approval and obtained final approval from the County. There is also a 10-foot underground sewer easement in favor of the City of Los Angeles on the subject site. The tentative map has been conditioned to require the applicant to record a covenant and agreement with a Notice of Acknowledgment of Easement and to obtain approval for any construction within or above the easement area prior to recordation of the Final Map. With these conditions, the proposed subdivision and improvements will not conflict with easements obtained for public purposes.

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

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

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

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

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

These findings shall apply to both the tentative and final maps for Vesting Tentative Tract Map No. 74131.

Vincent P. Bertoni, AICP
Advisory Agency

Luciralia Ibarra

LUCIRALIA IBARRA
Deputy Advisory Agency

CJR:LI:SMP:AH:dn

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

Figueroa Plaza
201 N. Figueroa St., 4th Floor
Los Angeles, CA 90012
213 482-7077

Marvin Braude San Fernando Valley
Development Service Center
6262 Van Nuys Blvd., Room 251
Van Nuys, CA 91401
818 374-5050

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

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

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