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CITY PLANNING**

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**Mailing Date: February 7, 2020**

**Appeal Period Ends: February 17, 2020**

Elliott Kahn (Owner)  
1045 Olive, LLC  
2200 Biscayne Boulevard  
Miami, FL 33137

Alexander Irvine (Representative)  
Irvine and Associates, Inc.  
633 W. 5th Street Suite 3200  
Los Angeles, CA 90071

**Vesting Tentative Tract Map No. 74531-CN**

**Address: 1045 S. Olive Street**  
(1033 - 1057 S. Olive Street)

Council District: 14 - Huizar

Existing Zone: [Q]R5-4D-O

Community Plan: Central City

Related Cases: ZA-2017-4845-ZAI, and  
CPC-2017-3251-TDR-MCUP-SPR

Environmental Case: ENV-2016-4630-EIR  
(SCH. No. 2017121047)

Pursuant to Sections 21082.1(c) and 21081.6 of the Public Resources Code, the Advisory Agency has reviewed and considered the information contained in the Environmental Impact Report prepared for this project, which includes the Draft EIR, No. ENV-2016-4630-EIR (SCH No. 2017121047), dated September 2019, the Final EIR, dated December 2019, and Erratum, dated February 2020 (1045 Olive Project EIR), as well as the whole of the administrative record, and

**CERTIFIED** the following:

- 1) The 1045 Olive Project EIR has been completed in compliance with the California Environmental Quality Act (CEQA);
- 2) The 1045 Olive Project EIR was presented to the Advisory Agency as a decision-making body of the lead agency; and
- 3) The 1045 Olive Project EIR reflects the independent judgment and analysis of the lead agency.

**ADOPTED** the following:

- 1) The related and prepared 1045 Olive Environmental Findings;
- 2) The Statement of Overriding Considerations; and
- 3) The Mitigation Monitoring Program prepared for the 1045 Olive Project EIR (Exhibit B).

Pursuant to Sections 17.03 and 17.15 of the Los Angeles Municipal Code (LAMC), the Advisory Agency **APPROVED:**

**Vesting Tentative Tract Map No. 74531-CN**, for the merger and resubdivision of an approximately 0.96-acre (41,603 gross square-foot) site to create one master ground lot and 17 airspace lots for condominium purposes, for a maximum of 794 residential condominium units and up to 12,504 square feet of commercial space, as shown on map stamp-dated January 21, 2020 (Exhibit A), and a **Haul Route** for the export of approximately 89,713 cubic yards of soil and debris.

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, (818) 374-5050, or (310) 231-2901.

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

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

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

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

*(Additional BOE Improvement Conditions are listed in "Standard Condition" section on page 21)*

1. That a 2-foot wide strip of land be dedicated along 11<sup>th</sup> Street adjoining the tract to complete a 32-foot wide half right-of-way in accordance with Modified Collector Standards of the LA Mobility Plan. Above 2-foot street dedication shall be limited to a height of 40-feet measured above the adjacent finished sidewalk surface. In addition, a 20-foot radius property line return or 15-foot by 15-foot property line cut corner be dedicated at the intersection of 11<sup>th</sup> Street and Olive Street. Above corner dedication shall be limited to the height of 40-feet above adjacent finished sidewalk grade and 10-feet below sidewalk finished grade.
2. That a 3-foot sidewalk easement be provided along 11<sup>th</sup> Street adjoining the dedication stated above in accordance with Downtown Street Design Guide. Above sidewalk easement shall be limited to 40-feet above adjacent finished sidewalk surface.
3. That a 2.5-foot wide strip of land be dedicated along the alley adjoining the tract to complete a 10-foot wide half right-of-way.
4. That a portion of Olive Street adjoining the tract at a distance of 40-feet from the Olive Street center line and 40-feet above adjacent finished sidewalk grade and 10-feet below adjacent finished sidewalk grade be permitted to be merged with the remainder of the tract map pursuant to Section 66499.20.2 of the State Government Code, and in addition, the following conditions be executed by the applicant and administered by the City Engineer:
  - a. That consents to the area being merged and waivers of any damages that may accrue as a result of

- such mergers be obtained from all property owners who might have certain rights in the area being merged.
- b. That satisfactory arrangements be made with all utility agencies cable companies and franchises maintaining existing facilities within the area being merged.
5. That a Covenant and Agreement be recorded satisfactory to the City Engineer binding the subdivider and all successors to the following:
    - a. That the owners shall be required to maintain all elements of the structure below the rights-of-way (Olive Street) in a safe and usable condition to the satisfaction of the City Engineer. The City shall be given reasonable access to the structure within and adjacent to the below street rights-of-way area for any necessary inspection, upon request during normal business hours. The City may request the owners to repair or replace damaged, defective or unsafe structural elements or to correct unacceptable conditions at the owner's expense if owner elects not to do so. Owner shall grant reasonable access to City's contractor to make said repairs.
    - b. The owner shall be required to limit use and occupancy of the structures below the rights-of-way for parking use only. No combustible material shall be stored in the merger area.
    - c. The owners shall obtain a B-permit from the City Engineer for any substantial structural modification below the street right-of-way area and for any structural modification areas and for any structural element outside said areas which provides lateral or vertical support to structures within the areas.
  6. That the subdivider execute and record an agreement satisfactory to the City Engineer to waive any right to make or prosecute any claims or demands against the City for any damage that may occur to the proposed structure underneath the of public right-of-way (Olive Street) in connection with the use and maintenance operations within said right-of-way.
  7. That any surcharge fee in conjunction with the street merger request be paid.
  8. That a Certified Survey Plan showing detail below grade information for the structure being merged be submitted for the Final Map check purposes.
  9. That portion of the 11th Street adjoining the tract at a distance of 30-feet from the 11th Street center line and 40-feet above adjacent finished sidewalk and as shown on the revised map stamp dated January 21, 2020 (except not including the 28-foot from the center line) be merged with the remainder of the tract map pursuant to Section 66499.20.2 of the State Government Code, and in addition, the following conditions be executed by the applicant and administered by the City Engineer:
    - a. That consents to the area being merged and waivers of any damages that may accrue as a result of such mergers be obtained from all property owners who might have certain rights in the area being merged.
    - b. That satisfactory arrangements be made with all utility agencies cable companies and franchises maintaining existing facilities within the area being merged.
  10. That the subdivider make a request to the Central District Office of the Bureau of Engineering to determine the capacity of the existing sewers in this area.
  11. That a set of drawings for airspace lots be submitted to the City Engineer showing the following:

- a. Plane view at different elevations.
  - b. Isometric views.
  - c. Elevation views.
  - d. Section cuts at all locations where air space lot boundaries change.
12. 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.

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

13. The Tract Map recorded with the County Recorder shall contain the following statement; "The Approval of this Tract Map shall not be construed as having been based upon geological investigation such as will authorize the issuance of building permits on the subject property. Such permits will be issued only at such time as the Department of Building and Safety has received such topographic maps and geological reports as it deems necessary to justify the issuance of such building permits."
14. Comply with any requirements with the Department of Building and Safety, Grading Division for recordation of the final map and issuance of any permit.

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

15. 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. Provide a copy of the affidavit AF-89-1594800-LT. Show compliance with all the conditions/requirements of the above affidavit as applicable. Termination of above affidavit may be required after the Map has been recorded. Obtain approval from the Department, on the termination form, prior to recording.
  - c. Show all street dedication as required by Bureau of Engineering and provide net lot area after all dedication. "Area" requirements shall be re-checked as per net lot area after street dedication.
  - d. Record a Covenant and Agreement to treat the building and structures located in an Air Space Subdivision as if they were within a single lot.

Notes:

Project to comply with [Q] Condition.

Project Site is within the Greater Downtown Housing Incentive Area.

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

16. Prior to recordation of the final map, satisfactory arrangements shall be made with the Department of Transportation to assure:
- a. A minimum of 20-foot reservoir space be provided between any security gate(s) and the property line when driveways serves less than 100 parking spaces. Reservoir space will increase to 40-feet and 60-feet when driveway is serving more than 100 and 300 parking spaces respectively or as shall be determined to the satisfaction of the Department of Transportation.
  - b. Parking stalls shall be designed so that a vehicle is not required to back into or out of any public street or sidewalk.
  - c. Vehicular access to the project site should be provided by one driveway on Olive Street and two driveways via an alley way. The project will widen the alley to meet the City's standard 20-foot total alley width. The alley way is located west of the site between 11th Street and Olympic Blvd.
  - d. Project shall comply with mitigation measures of LADOT traffic assessment letter (DOT Case No. CEN 17-45847) dated August 16, 2018 to the attention of Luciralia Ibarra, Senior City Planner Department of City Planning.
  - 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 permits plans for plan check by the Department of Building and safety. Transportation approvals are conducted at 201 N. Figueroa Street Room 550. For an appointment, call (213) 482-7024.
  - f. That a fee in the amount of \$205 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.

## FIRE DEPARTMENT

17. Prior to the recordation of the final map, submit plot plans for Fire Department approval and review.
18. Prior to the recordation of the final map, suitable arrangements shall be made satisfactory to the Fire Department, binding the subdivider and all successors to the following:
- a. Access for Fire Department apparatus and personnel to and into all structures shall be required.
  - b. One or more Knox Boxes will be required to be installed for LAFD access to project. Location and

number to be determined by LAFD Field inspector. (Refer to FPB Req # 75)

- c. 505.1 Address Identification. New and existing building shall have approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property.
- d. The entrance to a Residence lobby must be within 50 feet of the desired street address curb face.
- e. Where above ground floors are used for residential purposes, the access requirement shall be interpreted as being the horizontal travel distance from the street, driveway, alley, or designated fire lane to the main entrance of individual units.
- f. 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.
- g. 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.
- h. The Fire Department may require additional vehicular access where buildings exceed 28 feet in height.
- i. **City of Los Angeles Fire Code, Section 503.1.4 (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.
- j. 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 ft horizontal travel distance from the edge of the public street, private street or Fire Lane. This stairwell shall extend onto the roof.
- k. Entrance to the main lobby shall be located off the address side of the building.
- l. Any required Fire Annunciator panel or Fire Control Room shall be located within 50 ft visual line of site of the main entrance stairwell or to the satisfaction of the Fire Department.
- m. Adequate off-site public and on-site private fire hydrants may be required. Their number and location to be determined after the Fire Department's review of the plot plan.
- n. 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.

- o. Helipads on Highrise Buildings. Recently, the 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 alternatives to a full FAA-approved helicopter landing pad.
- p. Each standpipe in a new high-rise building shall be provided with two remotely located FDC's for each zone in compliance with NFPA 14-2013, Section 7.12.2.
- q. During demolition, the Fire Department access will remain clear and unobstructed.

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) 482-6543. You should advise any consultant representing you of this requirement as well.

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

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

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

- 20. 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.
- 21. See Condition S-3(c) for Street Lighting Improvement conditions.

#### **BUREAU OF SANITATION**

- 22. The Bureau of Sanitation has reviewed the sewer/storm drain lines serving the subject tracts/areas and found no potential problems to its structures or potential maintenance problems. The Approval is for the Tract Map only and represents the office of the Bureau of Sanitation/WCSD. The applicant may be required to obtain other necessary Clearances/Permits from the Bureau of Sanitation and appropriate District office of the Bureau of Engineering. 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**

- 23. To assure that cable television facilities will be installed in the same manner as other required improvements, please email [cabletv.ita@lacity.org](mailto:cabletv.ita@lacity.org) that provides an automated response with the

instructions on how to obtain the Cable TV clearance. The automated response also provides the email address of 3 people in case the applicant/owner has any additional questions.

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

24. That the Quimby Fee be based on the R5 Zone.

Note: The application for this vested tentative tract map was deemed complete on January 4, 2017.

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

25. 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 if to be removed, shall be required for the unavoidable loss of desirable trees on the site, and to the satisfaction of the Advisory Agency. **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**

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

- a. Limit the proposed development to a maximum of 794 dwelling units and a maximum of 12,504 square feet of commercial uses, totaling up to 751,777 square feet of floor area.
- b. That a solar access report shall be submitted to the satisfaction of the Advisory Agency prior to obtaining a grading permit.

27. Off-Street Parking. Vehicle and bicycle parking spaces shall be provided in compliance with the Los Angeles Municipal Code.

28. Prior to the issuance of the building permit or the recordation of the final map, a copy of the decision letters for CPC-2017-3251-TDR-MCUP-SPR and ZA-2017-4845-ZAI shall be submitted to the satisfaction of the Advisory Agency. In the event CPC-2017-3251-TDR-MCUP-SPR and ZA-2017-4845-ZAI are not approved, the subdivider shall submit a tract modification.

29. Prior to the issuance of a grading permit, the subdivider shall record and execute a Covenant and Agreement (Planning Department General Form CP-6770), binding the subdivider to the following haul route conditions:

##### *General Conditions*

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



- b. Hauling and grading equipment shall be kept in good operating condition and muffled as required by law.
- c. The Emergency Operations Division, Specialized Enforcement Section of the Los Angeles Police Department shall be notified at least 24 hours prior to the start of hauling, (213) 486-0777.
- d. Loads shall be secured by trimming or watering or may be covered to prevent the spilling or blowing of the earth material. If the load, where it contacts the sides, front, and back of the truck cargo container area, remains six inches from the upper edge of the container area, and if the load does not extend, at its peak, above any part of the upper edge of the cargo container area, the load is not required to be covered, pursuant to California Vehicle Code Section 23114 (e) (4).
- e. Trucks and loads are to be watered at the import site to prevent blowing dirt and are to be cleaned of loose earth at the import site to prevent spilling.
- f. Streets shall be cleaned of spilled materials during grading and hauling, and at the termination of each workday.
- g. The owner/contractor shall be in conformance with the State of California, Department of Transportation policy regarding movements of reducible loads.
- h. The owner/contractor shall comply with all regulations set forth by the State of California Department of Motor Vehicles pertaining to the hauling of earth.
- i. A copy of the approval letter from the City, the approved haul route and the approved grading plans shall be available on the job site at all times.
- j. Contractor shall contact LADOT at (213) 485-2298 at least four business days prior to hauling to post "Temporary Tow Away No Stopping" signs along S Olive St, adjacent to the jobsite for hauling if needed.
- k. The owner/contractor shall notify the Street Services Investigation and Enforcement Division, (213) 847-6000, at least 72 hours prior to the beginning of hauling operations and shall also notify the Division immediately upon completion of hauling operations. Any change to the prescribed routes, staging and/or hours of operation must be approved by the concerned governmental agencies. Contact the Street Services Investigation and Enforcement Division prior to effecting any change.
- l. Hauling vehicles shall not stage on any streets adjacent to the project, unless specifically approved as a special condition in this report.
- m. Hauling vehicles shall be spaced so as to discourage a convoy effect.
- n. This approval pertains only to the City of Los Angeles streets. Those segments of the haul route outside the jurisdiction of the City of Los Angeles may be subject to permit requirements and to the approval of other municipal or governmental agencies and appropriate clearances or permits is the responsibility of the contractor.

#### *Specific Conditions*

- o. Loaded haul vehicles travelling from the Project Site shall travel north on Olive Street, turn right (east) on Olympic Boulevard, turn right (south) on Hill Street, turn left (east) on 18<sup>th</sup> Street, merge onto I-10 east at Los Angeles, and continue to a designated facility.
- p. Empty haul vehicles traveling to the Project Site shall travel westbound on the I-10 (from the east), exit at Los Angeles Street, continue west on 17<sup>th</sup> Street, turn right (north) on Olive Street, and continue until the Project Site.
- q. Hauling hours of operation are restricted to the hours between 9:00 A.M. and 3:30 P.M., Monday through Friday, and 8:00 A.M. to 6:00 P.M. Saturdays.
- r. No hauling activity occurs on Sunday.
- s. A total of up to 250 roundtrip (i.e. 125 one-way) truck trips per day will occur over an estimated 91 work days of hauling.
- t. Haul vehicles are 14.0 cubic yard capacity double-bottom dump trucks or smaller.
- u. Trucks shall be staged at jobsite only. No staging of trucks on city streets at any time. NOTE: No interference to traffic, access to driveways must be maintained at all times.
- v. Total net export of soil and demolition debris is approximately 89,713 cubic yards.
- w. "Truck Crossing" warning signs shall be placed 300 feet in advance of the exit in each direction

- x. Flagger control shall be provided during the hauling operations to assist with ingress and egress of traffic on S. Olive Street.
- y. A surety or cash bond shall be posted in an amount satisfactory to the City Engineer for maintenance of haul route streets. The forms for the bond will be issued by the Central District Engineering Office, 100 S. Main St. 9th Floor, Los Angeles, CA, 90012. Further information regarding the bond may be obtained by calling 213-972-4990.

30. Tribal Cultural Resource Inadvertent Discovery. In the event that objects or artifacts that may be tribal cultural resources are encountered during the course of any ground disturbance activities<sup>1</sup>, all such activities shall temporarily cease on the Project Site until the potential tribal cultural resources are properly assessed and addressed pursuant to the process set forth below:

- Upon a discovery of a potential tribal cultural resource, the project Permittee shall immediately stop all ground disturbance activities and contact the following: (1) all California Native American tribes that have informed the City they are traditionally and culturally affiliated with the geographic area of the proposed project; (2) and the Department of City Planning.
- If the City determines, pursuant to Public Resources Code Section 21074 (a)(2), that the object or artifact appears to be tribal cultural resource, the City shall provide any effected tribe a reasonable period of time, not less than 14 days, to conduct a site visit and make recommendations to the Project Permittee and the City regarding the monitoring of future ground disturbance activities, as well as the treatment and disposition of any discovered tribal cultural resources.
- The project Permittee shall implement the tribe's recommendations if a qualified archaeologist, retained by the City and paid for by the project Permittee, reasonably concludes that the tribe's recommendations are reasonable and feasible.
- The project Permittee shall submit a tribal cultural resource monitoring plan to the City that includes all recommendations from the City and any affected tribes that have been reviewed and determined by the qualified archaeologist to be reasonable and feasible.
- The project Permittee shall not be allowed to recommence ground disturbance activities until this plan is approved by the City.
- If the project Permittee does not accept a particular recommendation determined to be reasonable and feasible by the qualified archaeologist, the project Permittee may request mediation by a mediator agreed to by the Permittee and the City who has the requisite professional qualifications and experience to mediate such a dispute. The project Permittee shall pay any costs associated with the mediation.
- The project Permittee may recommence ground disturbance activities outside of a specified radius of the discovery site, so long as this radius has been reviewed by the qualified archaeologist and determined to be reasonable and appropriate.
- Copies of any subsequent prehistoric archaeological study, tribal cultural resources study or report, detailing the nature of any significant tribal cultural resources, remedial actions taken, and disposition of any significant tribal cultural resources shall be submitted to the South Central Coastal Information Center (SCCIC) at California State University, Fullerton.
- Notwithstanding the above, any information determined to be confidential in nature, by the City Attorney's office, shall be excluded from submission to the SCCIC or the general public under the applicable provisions of the California Public Records Act, California Public Resources Code, and shall comply with the City's AB 52 Confidentiality Protocols.

### 31. **Indemnification and Reimbursement of Litigation Costs.**

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

Applicant shall do all of the following:

- (i) Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of, in whole or in part, the City's processing and approval of this entitlement, including but not limited to, an action to attack, challenge, set aside, void, or otherwise modify or annul the approval of the entitlement, the environmental review of the entitlement, or the approval of subsequent permit decisions, or to claim personal property damage, including from inverse condemnation or any other constitutional claim.
- (ii) Reimburse the City for any and all costs incurred in defense of an action related to or arising out of, in whole or in part, the City's processing and approval of the entitlement, including but not limited to payment of all court costs and attorney's fees, costs of any judgments or awards against the City (including an award of attorney's fees), damages, and/or settlement costs.
- (iii) Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than \$50,000. The City's failure to notice or collect the deposit does not relieve the applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
- (iv) Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
- (v) If the City determines it necessary to protect the City's interest, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.

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

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

For purposes of this condition, the following definitions apply:

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

"Action" shall be defined to include suits, proceedings (including those held under alternative dispute resolution procedures), claims, or lawsuits. Actions includes actions, as defined herein,

alleging failure to comply with any federal, state or local law.

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

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

32. That approval of this tract constitutes approval of model home uses, including a sales office and off-street parking. Where the existing zoning is (T) or (Q) for multiple residential use, no construction or use shall be permitted until the final map has recorded or the proper zone has been effectuated. If models are constructed under this tract approval, the following conditions shall apply:
- a. Prior to recordation of the final map, the subdivider shall submit a plot plan for approval by the Division of Land Section of the Department of City Planning showing the location of the model dwellings, sales office and off-street parking. The sales office must be within one of the model buildings.
  - b. All other conditions applying to Model Dwellings under Section 12.22-A,10 and 11 and Section 17.05-O of the LAMC shall be fully complied with satisfactory to the Department of Building and Safety.
33. In order to expedite the development, the applicant may apply for a building permit for an apartment building. However, prior to issuance of a building permit for apartments, the registered civil engineer, architect or licensed land surveyor shall certify in a letter to the Advisory Agency that all applicable tract conditions affecting the physical design of the building and/or site, have been included into the building plans. Such letter is sufficient to clear this condition. In addition, all of the applicable tract conditions shall be stated in full on the building plans and a copy of the plans shall be reviewed and approved by the Advisory Agency prior to submittal to the Department of Building and Safety for a building permit.

OR

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

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

34. **Implementation.** The Mitigation Monitoring Program (MMP), attached as “Exhibit B” and part of the case file, shall be enforced throughout all phases of the Project. The Applicant shall be responsible for implementing each Project Design Features (PDF) and Mitigation Measure (MM) and shall be obligated to provide certification, as identified below, to the appropriate monitoring and enforcement agencies that each PDF and MM has been implemented. The Applicant shall maintain records demonstrating compliance with each PDF and MM. Such records shall be made available to the City upon request.
35. **Construction Monitor.** During the construction phase and prior to the issuance of building permits, the Applicant shall retain an independent Construction Monitor (either via the City or through a third-party consultant), approved by the Department of City Planning, who shall be responsible for monitoring implementation of PDFs and MMs during construction activities consistent with the monitoring phase and frequency set forth in this MMP.

The Construction Monitor shall also prepare documentation of the Applicant's compliance with the PDFs and MMs during construction every 90 days in a form satisfactory to the Department of City Planning. The documentation must be signed by the Applicant and Construction Monitor and be included as part of the Applicant's Compliance Report. The Construction Monitor shall be obligated to immediately report to the Enforcement Agency any non-compliance with the MMs and PDFs 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.

36. **Substantial Conformance and Modification.** After review and approval of the final MMP by the Lead Agency, minor changes and modifications to the MMP are permitted, but can only be made subject to City approval. The Lead Agency, in conjunction with any appropriate agencies or departments, will determine the adequacy of any proposed change or modification. This flexibility is necessary in light of the nature of the MMP and the need to protect the environment. No changes will be permitted unless the MMP continues to satisfy the requirements of CEQA, as determined by the Lead Agency.

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

#### **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:

Construct new pedestrian lights:

- Two (2) on 11th Street
- Four (4) on Olive Street

If street widening per BOE improvement conditions, relocate and upgrade street lights:

- Two (2) on Olive Street
- Two (2) on 11<sup>th</sup> Street

Notes:

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

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

- (d) Plant street trees and remove any existing trees within dedicated streets or proposed dedicated streets as required by the Street Tree Division of the Bureau of Street Maintenance. All street tree plantings shall be brought up to current standards. When the City has previously been paid for tree planting, the subdivider or contractor shall notify the Street Tree Division (213-485-5675) upon completion of construction to expedite tree planting.
- (e) Repair or replace any off-grade or broken curb, gutter and sidewalk satisfactory to the City Engineer.
- (f) Construct access ramps for the handicapped as required by the City Engineer.
- (g) Close any unused driveways satisfactory to the City Engineer.
- (h) Construct any necessary additional street improvements to comply with the Americans with Disabilities Act (ADA) of 1990.
- (i) That the following improvements be either constructed prior to recordation of the final map or that the construction be suitably guaranteed:
  - a. Improve 11th Street being dedicated and adjoining the subdivision by the removal of existing sidewalk and construction of a new full width concrete sidewalk with tree wells including any necessary removal and reconstruction of existing improvement.

- b. Improve Olive Street adjoining the subdivision by the removal and reconstruction of the existing sidewalk to provide full width concrete sidewalk with tree wells including any necessary removal and reconstruction of existing improvement.
- c. Improve the alley being dedicated and adjoining the tract by the removal and reconstruction of the existing improvements to provide a new 20-foot and 17.5 foot wide alley with 2-foot wide longitudinal concrete gutter including the alley intersection with 11th Street all satisfactory to the Central District Engineering Office.

**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. This map does not constitute approval of any variations from the Municipal Code, unless approved specifically for this project under separate conditions.

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)**



## 1. INTRODUCTION

The 1045 Olive Project Environmental Impact Report (EIR), consisting of the Draft EIR and the Final EIR, is intended to serve as an informational document for public agency decision-makers and the general public regarding the objectives and environmental impacts of 1045 Olive Project (Project), located at 1033-1057 South Olive Street (Site or Project Site). The Project involves the construction and operation of a 70-story mixed-use high-rise residential development with ground floor commercial uses on a 0.96-acre site. The Project would include up to 794 residential units, 12,504 square feet of ground-floor commercial (restaurant/retail) uses, a ground-floor public plaza, subterranean and above-ground parking, and residential open space amenities. The Project is a certified Environmental Leadership Development Project (ELDP).

The City of Los Angeles (the "City"), as Lead Agency, has evaluated the environmental impacts of implementation of the 1045 Olive Project by preparing an environmental impact report (EIR) (Case Number ENV-2016-4630-EIR / SCH No. 2017121047). The EIR was prepared in compliance with the California Environmental Quality Act of 1970, Public Resources Code Section 21000 et seq. (CEQA) and the California Code of Regulations Title 15, Chapter 6 (the "CEQA Guidelines"). The findings discussed in this document are made relative to the conclusions of the EIR.

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

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

- 1) Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant impacts as identified in the EIR.
- 2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been, or can or should be, adopted by that other agency.
- 3) Specific economic, legal, social, technological, other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the EIR.

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

The findings provided below include the following:

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

With respect to a project for which significant impacts are not avoided or substantially lessened either through the adoption of feasible mitigation measures or feasible environmentally superior alternatives, a public agency, after adopting proper findings based on substantial evidence, may nevertheless approve the project if the agency first adopts a statement of overriding considerations setting forth the specific reasons why the agency found that the project’s benefits rendered acceptable its unavoidable adverse environmental effects. (CEQA Guidelines §15093, 15043[b]; see also CEQA § 21081[b].)

## 2. ENVIRONMENTAL REVIEW PROCESS AND RECORD OF PROCEEDINGS

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

**Initial Study.** The Project was reviewed by the Los Angeles Department of City Planning (serving as Lead Agency) in accordance with the requirements of the CEQA (PRC 21000 et seq.). The City prepared an Initial Study in accordance with Section 15063(a) of the State CEQA Guidelines (14 Cal. Code Regs. §§ 15000 et seq.).

**Notice of Preparation.** Pursuant to the provisions of Section 15082 of the State CEQA Guidelines, the City then circulated a Notice of Preparation (NOP) to State, regional and local agencies, and members of the public for a 30-day period commencing on December 21, 2017. The NOP also provided notice of a Public Scoping Meeting held on January 10, 2018. The purpose of the NOP and Public Scoping Meeting was to formally inform the public that the City was preparing a Draft EIR for the Project, and to solicit input regarding the scope and content of the environmental information to be included in the Draft EIR. Written comment letters responding to the NOP and the Scoping Meeting were submitted to the City by various

public agencies, interested organizations and individuals. The NOP, Initial Study, and NOP comment letters are included in Appendix A of the Draft EIR.

**Certification of Environmental Leadership Development Project.** On April 27, 2018, the Governor of the State of California certified that the 1045 Olive Project is an eligible project under the Jobs and Economic Improvement Act of 2011 (PRC 21178 et seq.). On May 14, 2018, the City of Los Angeles issued a public notice that the applicant had elected to proceed under PRC 21178. The Joint Legislative Budget Commission of the State of California concurred with the Governor's determination within 30 days of the Governor's submittal, on May 24, 2018. Documentation regarding the certification is available at: <http://opr.ca.gov/ceqa/california-jobs.html>

**Draft EIR.** The Draft EIR evaluated in detail the potential effects of the Project. It also analyzed the effects of a reasonable range of alternatives to the Project, including a "No Project" alternative. The Draft EIR for the Project, incorporated herein by reference in full, was prepared pursuant to CEQA and State, Agency, and City CEQA Guidelines (City of Los Angeles California Environmental Quality Act Guidelines). The Draft EIR was circulated for a 48-day public comment period beginning on September 26, 2019, and ending on November 12, 2019. A Notice of Availability (NOA) was distributed on September 26, 2019 to all property owners within 500 feet of the Project Site and interested parties, which informed them of where they could view the document and how to comment. The Draft EIR was available to the public at the City of Los Angeles, Department of City Planning, and the following local libraries: Los Angeles Central Library, Chinatown Branch Library, Little Tokyo Branch Library, and Pico Union Branch Library. A copy of the document was also posted online at <https://planning.lacity.org>. Notices were filed with the County Clerk on September 26, 2019.

**Notice of Completion.** A Notice of Completion was sent with the Draft EIR to the Governor's Office of Planning and Research State Clearinghouse for distribution to State Agencies on September 26, 2019, and notice was provided in newspapers of general and/or regional circulation.

**Final EIR.** The City released a Final EIR for the Project on December 18, 2019, which is hereby incorporated by reference in full. The Final EIR constitutes the second part of the EIR for the Project and is intended to be a companion to the Draft EIR. The Final EIR also incorporates the Draft EIR by reference. Pursuant to Section 15088 of the CEQA Guidelines, the City, as Lead Agency, reviewed all comments received during the review period for the Draft EIR and responded to each comment in Chapter 2, Responses to Comments, of the Final EIR. The City also considered comments received after the close of the review period and responded to them, as appropriate. Responses were sent to all public agencies that made comments on the Draft EIR at least 10 days prior to certification of the EIR pursuant to CEQA Guidelines Section 15088(b). Notices regarding availability of the Final EIR were sent to property owners and occupants within a 500-foot radius of the Project Site, as well as individuals who commented on the Draft EIR, and interested parties.

**Public Hearing.** A noticed public hearing for the Project was held by the Deputy Advisory Agency, Zoning Administrator, and the Hearing Officer on behalf of the City Planning Commission on January 15, 2020.

**Errata.** The Errata was completed on February 6, 2020 to make minor corrections and clarifications to the EIR. The Errata addressed corrections to the amount and depth of excavation. The Errata states that this information does not represent significant new information that would affect the analysis or conclusions presented in the Final EIR.

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

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

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

In addition, copies of the Draft EIR and Final EIR are available on the Department of City Planning's website at <https://planning.lacity.org/development-services/eir>. The Draft and Final EIR are also available at the following three Library Branches:

- Los Angeles Central Library—630 West Fifth Street, Los Angeles, CA 90071
- Little Tokyo Branch Library, 203 South Los Angeles Street, Los Angeles, CA 90012
- Pico Union Branch Library, 1030 S. Alvarado Street, Los Angeles 90006

### 3. PROJECT DESCRIPTION

The Project involves the construction and operation of a 70-story mixed-use high-rise development, with up to 751,777 square feet of floor area on a 0.96-acre site at the northwest corner of Olive Street and 11th Street. The Project would include up to 794 residential units, 12,504 square feet of ground-floor commercial (restaurant/retail) uses, a ground-floor public plaza, and residential open space amenities. Eight above-ground levels of automobile parking would be located within the nine-level podium structure and would be partially wrapped with residential units. The Project would also have six subterranean levels of parking (depth of 70 feet) and would require the excavation and export of approximately 89,713 cubic yards of soil. Five existing single-story commercial buildings containing 35,651 square feet of floor area would be removed from the Project Site. The Project is a certified Environmental Leadership Development Project (ELDP).

The Project was certified on April 27, 2018 by the Governor of the State of California as an eligible project under the Environmental Leadership Act of 2011 (AB 900, as amended by SB 743 (2013) and SB 734 (2016), which is codified in Sections 21178 – 21189.3 of the California Public Resources Code). This act was approved to encourage California's economic recovery by providing expedited processing of judicial actions challenging the certification of an EIR or the approval of an Environmental Leadership Development Project (ELDP) for compliance with CEQA for development projects that are certified by the Governor as ELDP projects. The Project qualifies as an ELDP project, as it would meet the qualification requirements, inclusive of the following among others: it is a mixed use development on an urban infill site that would achieve LEED Gold certification (or better), maximize transit friendly features (resulting in a minimum 15 percent greater transportation efficiency), be 'Net-Zero' in carbon/greenhouse gas (GHG) emissions, and result in a minimum investment in California of \$100 million.

A detailed description of the Project components and architecture design is provided in Chapter II, Project Description of the Draft EIR.

### 4. NO IMPACT OR LESS THAN SIGNIFICANT IMPACTS WITHOUT MITIGATION

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

**Aesthetics:** Under Senate Bill 743, and Section 21099 (d)(1) of the Public Resources Code (PRC), a project's aesthetic and parking impacts shall not be considered a significant impact on the environment if it meets certain criteria as a residential, mixed-use residential, or employment center project, and is located on an infill site within a transit priority area. The Project meets this criteria, and therefore, implementation of the Project would not have a substantial impact on a scenic vista, would not substantially damage scenic

resources within a state scenic highway, would not conflict with applicable zoning and other regulations governing scenic quality, and would not create a new source of substantial light or glare. Therefore, Project-level and cumulative impacts to aesthetics would be less than significant. Refer to pages IV.A-16 through IV.A-43 of the Draft EIR. The Project would also include the following Project Design Features:

**AES-PDF-1: Construction Fencing.** The Project's security fencing along the W. 11th Street, S. Olive Street, and the mid-block alley perimeters of the Project will be designed to screen views to the Project Site's ground levels during construction. The fencing shall have a minimum height of 8 feet; and the Applicant shall ensure through appropriate postings and regular visual inspections that no unauthorized materials are posted on temporary construction barriers or temporary pedestrian walkways, and that such temporary barriers and walkways are maintained in a reasonable manner throughout the construction period.

**AES-PDF-2: Parking Shielding:** Podium parking will be shielded from adjacent areas with minimum 36-inch high baffling panels behind architectural screen meshing for aesthetic character as well as for light and sound attenuation.

**Agriculture and Forestry Resources:** Implementation of the Project would not convert farmland to non-agricultural uses; would not conflict with existing zoning for agricultural use or a Williamson Act contract; would not conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned Timberland Production; would not result in the loss of forest land or conversion of forest land to non-forest use; and would not involve other changes in the existing environment which could result in the conversion of farmland to non-agricultural uses. Therefore, no Project-level and cumulative impacts to agriculture and forestry resources would occur. Refer to the Project Initial Study, pages B-4 through B-5 of Appendix A-2 of the Draft EIR.

**Air Quality:** As stated on pages IV.B-49 to IV.B-66 from Section IV.B of the Draft EIR, implementation of the Project would neither conflict with or obstruct implementation of the SCAQMD's 2016 AQMP and the City's General Plan Air Quality Element. Therefore, the Project's impacts would be less than significant with regards to a conflict with or obstruction of an applicable air quality plan.

As stated on pages IV.B-69 to IV.B-70 from Section IV.B. of the Draft EIR, the Project's maximum operational regional emissions would be below the SCAQMD numeric indicators, and regional operational emission impacts would be less than significant with the compliance with AQ-PDF-1. Therefore, the Project's operational emissions would not result in a cumulatively considerable net increase of any criteria pollutants for which the project region is non-attainment under an applicable federal or state ambient air quality standard and impacts would be less than significant.

As stated on pages IV.B-71 to IV.B-79 from Section IV.B of the Draft EIR, the Project's maximum localized emissions due to construction and operations would not exceed the localized numeric indicators for NOX, CO, PM10, and PM2.5. Further, the Project would not contribute to the formation of CO hotspots and no further CO analysis is required. Finally, neither the construction nor the operations of the Project would expose sensitive receptors to substantial toxic air contaminant concentrations, and construction-related health impacts would be less than significant. Therefore, the Project's impact on exposing sensitive receptors to substantial pollutant concentrations would be less than significant.

As stated in the Project Initial Study, page B-7 of Appendix A of the Draft EIR and Section VI.6 of the Draft EIR, implementation of the Project would not create objectionable odors affecting a substantial number of people and impacts related to odors would be less than significant.

See Section 5. *Less Than Significant Impacts with Mitigation* below regarding findings for Project construction impacts related to criteria pollutants.

**Biological Resources:** As stated in the Project Initial Study, pages B-7 through B-9 of Appendix A of the Draft EIR, implementation of the Project would not have a substantial adverse effect on any as candidate, sensitive, or special-status species or any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations by the California Department of Fish and Wildlife or the U.S. Fish and Wildlife Service); would not have a substantial adverse effect on federally protected wetlands as through direct removal, filling, hydrological interruption, or other means; would not conflict with policies protecting biological resources; and would not conflict with the provisions of any conservation plan as the Project Site is currently vacant and located in an urban area. Therefore, Project-level and cumulative impacts to biological resources related to those topics would be less than significant.

See Section 5. *Less Than Significant Impacts with Mitigation* below regarding Project impacts related to movement of native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impediments to the use of native wildlife nursery sites.

**Cultural Resources:** As stated on page IV.C-21 of the Draft EIR, the Project would have less than significant impacts to human remains, including those interred outside of formal cemeteries. Therefore, Project-level and cumulative impacts relating to human remains including those outside of dedicated cemeteries would be less than significant.

See Section 5. *Less Than Significant Impacts with Mitigation* below regarding findings for Project impacts related to historic resources and archeological resources.

**Energy:** As stated on pages IV.K-10 through IV.K-23 from Section IV.K of the Draft EIR, implementation of the Project would not cause wasteful, inefficient, and unnecessary consumption of energy; or result in an increase in demand for electricity or natural gas or other sources of energy that exceed available supply or distribution infrastructure capabilities that could result in the construction of new energy facilities or expansion of existing facilities, the construction of which could cause significant environmental effects. The Project would also implement Project Design Features AQ-PDF-1 and WS-PDF-1, which include green building features and water conservation features, as well as meet the standards for LEED Gold certification. Therefore, Project-level and cumulative impacts to energy to would be less than significant.

**Geology and Soils:** As stated on pages VI.E-17 through VI.E-22 of the Draft EIR, implementation of the Project would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving the rupture of a known earthquake fault, and strong seismic ground shaking, seismic-related ground failure, including liquefaction or landslides. Implementation of the Project would not result in substantial soil erosion or the loss of topsoil. The project is not located on a geologic unit or soil that is unstable, or that would become unstable as a result of the Project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse, and is not located on expansive soil as defined in Table 18-1-B of the Uniform Building Code; and would not involve the use of septic tanks or alternative waste water disposal systems as the Project would tie into existing wastewater sewer infrastructure. Therefore, Project-level and cumulative impacts to geology and soils, except for paleontological resources, would be less than significant.

See Section 5. *Less Than Significant Impacts with Mitigation* below regarding findings for Project impacts related to paleontological resources.

**Greenhouse Gas Emissions:** As stated on pages IV.F-42 through IV.F-79 from Section IV.F. of the Draft EIR, construction and operation of the Project would not generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment, or conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases. The Project would substantially comply with or exceed the GHG reduction actions and strategies outlined in CARB's Climate Change Scoping Plan, SCAG's 2016-2040 RTP/SCS, and the City's Green New Deal and Green Building Code. The Project would also implement Project Design Features AQ-PDF-1, GHG-PDF-1, and WD-PDF-1, which include green building features, GHG emission offsets, and water conservation features. The Project would also meet the standards for LEED Gold certification and for ELDP. Therefore, Project-level and cumulative impacts to greenhouse gas emissions would be less than significant.

**GHG-PDF-1: GHG Emission Offsets:** The Project will provide or obtain GHG emission offsets as required as described in the Project's Environmental Leadership Development Project certification and related documentation pursuant to the *Jobs and Economic Improvement Through Environmental Leadership Act*.

Prior to issuance of any Certificate of Occupancy for the Project, the Applicant or its successor shall commit to entering into one or more contracts to purchase carbon credits from a recognized and reputable carbon registry (to be selected from an accredited registry), which contract, together with any previous contracts for the purchase of carbon credits, shall evidence the purchase of carbon credits in an amount sufficient to offset the Operational Emissions attributable to the Project, and shall be calculated on a net present value basis for a 30-year useful life.

**Hazards and Hazardous Materials:** As stated on pages VI.G-21 through VI.G-22 of the Draft EIR, operation of the Project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials as the Project's operation would comply with Cal/OSHA regulations, applicable laws, manufacturers' instruction and other regulatory requirements for using, storing, and disposing potential hazardous materials. Therefore, the operation of the Project relating to the routine transport, use, or disposal of hazardous materials would be less than significant. Operation of the project would also not require emitting hazardous emissions or handling hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school and impacts would be less than significant.

As stated on B-18 of the Initial Study in Appendix A of the Draft EIR, the Project Site is not located within an airport land use plan or within two miles of a public use airport. Therefore, the Project would not be subject to effects pertaining to airport safety hazards or excessive noise and there would be no impact relating to a safety hazard or excessive noise for people residing or working in the project area.

As stated on pages IV.G-29 through IV.G-30 from Section IV.G of the Draft EIR, through the Project Design Feature (TRAF-PDF-1) containing both a Construction Traffic Management Plan and a Worksite Traffic Control Plan, the construction of the Project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. For the operation of the Project, the Project Site is located in an established urban area that is well served by the surrounding roadway network, and multiple routes exist in the area for emergency vehicles and evacuation. Site accessibility would be approved by the LAFD and Project accessibility features would not adversely affect the delivery of emergency services in the Project vicinity. Therefore, the construction of the Project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan and impacts relating to an emergency response plan or emergency evacuation plan would be less than significant.



As stated on B-19 of the Initial Study in Appendix A of the Draft EIR, the Project Site is not within a wildfire hazard area. Therefore, the Project would not expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires.

See Section 5. *Less Than Significant Impacts with Mitigation* below for findings regarding the Project's construction impacts related to the routine transport, use, or disposal of hazardous materials or creating a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment; emitting hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school; being located on a site which is included on a list of hazardous materials sites.

**Hydrology and Water Quality:** As stated on pages VI.H-29 through VI-44 from Section H of the DEIR, implementation of the Project would not violate any water quality standards or waste discharge requirements; substantially deplete groundwater supply or interfere with groundwater recharge such that the Project may impede sustainable groundwater management of the basin; substantially alter the existing drainage pattern of the site or area that would result in substantial on- or off-site erosion and surface runoff, create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff, impede or redirect flood flows. Additionally, the Project is not subject to events associated with flood zones, seiche potential or tsunami potential, the Project Site would not be subject to inundation from such events that could carry on-site pollutants off-site. The Project would implement the necessary Best Management Practices to support the applicable plans and the Project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. Although impacts are less than significant without mitigation, impacts would be further reduced by HAZ-MM-1 and HAZ-MM-2 for the proper removal of any potential existing soil contamination on-site. Therefore, Project-level and cumulative impacts to hydrology and water quality would be less than significant.

**Land Use and Planning:** As stated in the pages IV.I-16 through IV.I-42 in Section IV.I Land Use and Planning, of the DEIR, implementation of the Project would not physically divide an established community, and would not conflict with any applicable habitat conservation plan or natural community conservation plan. The Project is an infill development and is not located within the confines of a Habitat Conservation Plan, Natural Community Conservation Plan, or Significant Ecological Area. Implementation of the Project would not conflict with any applicable land use plan, policy, or regulation. Therefore, Project-level and cumulative impacts to land use and planning would be less than significant.

**Mineral Resources:** As stated in the Project Initial Study on page B-24 of Appendix A of the DEIR, implementation of the Project would not result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state; and would not result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan. The Project Site is not zoned for oil extraction and drilling, or mining of mineral resources and would not involve any new oil or mineral extraction activities. Therefore, no Project-level and cumulative impacts to mineral resources would occur.

**Noise:** As stated on pages IV.J-38 through IV.J.50 in Section IV.J *Noise* of the DEIR, the Project's operations would not result in the exposure of persons to or generation of noise levels in excess of noise standards. The majority of any long-term noise impacts would come from traffic traveling to and from the proposed Project Site. Project traffic, with the addition of future traffic from any new developments in the Project area and overall ambient traffic growth, would elevate ambient noise levels surrounding local roadways. However, the Project's incremental contribution to permanent off-site ambient noise levels along

local roads would be minimal. Project-level and cumulative noise impacts in relation to Project operation would be less than significant.

As stated on page IV.J-53 through IV.J-55 of Section IV.J Noise of the DEIR, operation of the Project would not result in the exposure of persons to or generation of excessive ground-borne vibration or ground-borne noise levels. Therefore, Project-level and cumulative noise impacts with regards to ground-borne vibration and ground-borne noise levels during Project operation would be less than significant.

As stated in the Project Initial Study on page B-25 of Appendix A of the DEIR, implementation of the Project would not result in an impact related to public use airports or private airstrips as the Project Site is not within two miles of a public airport or private airstrip.

See Section 5. *Less Than Significant Impacts with Mitigation* below for findings regarding the Project's construction impacts related to the groundborne vibration and noise. Also, see Section 6. *Significant and Unavoidable Impacts* for findings regarding the Project's construction impacts related to the generation of a substantial temporary increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance.

**Population and Housing:** As stated on pages IV.K-12 through IV.K-18 from Section IV.K of the DEIR, both construction and operation of the Project would have a less than significant impact at the Project-level and cumulatively related to inducing substantial population growth in the area either directly or indirectly.

As stated in the Project Initial Study on pages B-26, Appendix A of the DEIR, implementation of the Project would not displace substantial numbers of existing housing or people, necessitating the construction of replacement housing elsewhere as the Project Site is vacant. Therefore, no impacts to population and housing with respects to the displacement of existing housing or people would occur.

**Public Services:** As stated in Sections IV.L-1 through IV.L-5 of the Draft EIR, implementation of the Project would have a less than significant impact at the Project-level and cumulatively related to fire protection, police protection, schools, and library services. In addition, the Project would implement Project Design Features TRAF-PDF-1: Construction Management Plan, TRAF-PDF-2: Pedestrian Safety Plan, POL-PDF-1, POL-PDF-2, and POL-PDF-3.

**POL-PDF-1: Construction Security Measures.** During construction, on-site security measures will be incorporated, specifically: an eight-foot tall construction security fence, with gated and locked entry; controlled access, multiple security surveillance cameras, and 24-hour private construction security services.

**POL-PDF-2: Provision of Project Diagrams to LAPD:** Prior to the issuance of a building permit, the Applicant will provide the Los Angeles Police Department (LAPD) Central Area Commanding Officer with a diagram of the Project Site, including access routes, gate access codes, and additional information, to facilitate potential LAPD responses once the Project is operating.

**POL-PDF-3: On-Site Operational Security Measures.** On-site security measures during Project operation will incorporate strategies from Crime Prevention through Environmental Design (CPTED) and include:

- Secured building access/design to residential areas (electronic keys specific to each user);
- Lighting of building entryways and Plaza areas;
- Staff training in safety and sound security policies;

- 24-hour video surveillance;
- Trained 24-hour security personnel (providing assistance to residents and visitors with Site access; monitoring entrances and exits of the building; managing and monitoring fire/life/safety systems; and patrolling the Project Site, including parking areas).
- Installation and utilization of an extensive security camera network, with approximately 40-50 cameras throughout the underground and above-grade parking structure; the elevators; the common and amenity spaces; the lobby areas; and the rooftop and ground level outdoor open spaces;
- Maintaining all security camera footage for at least 30 days, and providing such footage to LAPD as needed; and
- Maintaining approximately 30-40 staff on-site, including 24 hours at the lobby concierge desk and within the car valet areas, with designated staffers dedicated to monitoring the Project's security cameras and directing staff to locations where any suspicious activity is viewed.

**Recreation:** As stated on pages IV.L.5-13 through IV.L.5-25 from Section IV.L.5 of the Draft EIR, implementation of the Project would have a less than significant impact at the Project-level and cumulatively related to an increase in the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated, and would not require the construction or expansion of recreational facilities. The Project would also not result in substantial adverse physical impacts associated with the provision of new or physically altered parks, the construction of which would cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for parks.

**Transportation and Traffic:** As stated in Section IV.M-34 through IV.M-38 and IV.M-46 through IV.M-51 of the Draft EIR, the Project would not conflict with an applicable program, plan, ordinance or policy addressing the circulation system, in terms of congestion management programs, construction impacts, and transit, bicycle and pedestrian facilities. The Project would also implement Project Design Features TRAF-PDF-1 Construction Management Plan and TRAF-PDF-1 Pedestrian Safety Plan (see Section 5 of Findings). The Project would also not conflict or be inconsistent with CEQA Guidelines regarding Vehicle Miles Travelled (VMT). As stated in the on pages IV.M-53 and IV.M-54 of the Draft EIR, implementation of the Project would have no impact in a change in air traffic patterns that results in substantial safety risks, would not increase hazards, and would have less than a significant impact in inadequate emergency access.

See Section 5. *Less Than Significant Impacts with Mitigation* below for findings regarding the Project's operational impacts related to the intersection level of service.

**Tribal Cultural Resources.** As stated in Section IV.N of the Draft EIR, the Project would not cause a substantial adverse change in the significance of a tribal cultural resource that is listed or eligible for listing in the California Register of Historical Resources, or in a local register, and would not cause a substantial adverse change in the significance of a tribal cultural resource that is determined to be a resource by the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1.

**Utilities and Service Systems:** As stated in Sections IV.D. *Energy*, IV.H, *Hydrology and Water*, IV.O *Utilities and Service Systems*, IV.O.1 *Wastewater*, and IV.I.2 *Water Supply* of the Draft EIR, implementation of the Project would not require or result in the relocation or construction of new or expanded water, wastewater treatment, or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction of which could cause significant environmental effects. Telecommunications are also evaluated in Subsection VI.6, *Effects Found Not to Be Significant* of the Draft EIR.

As stated in Section IV.O.1 *Wastewater* of the Draft EIR, the Project would not result in a determination by the wastewater treatment provide which serves or may serve the Project that it has inadequate capacity to serve the Project's projected demand in addition to the provider's existing commitments. As stated in Section IV.O.1 *Wastewater* of the Draft EIR, the Project would have sufficient water supplies available to serve the project and reasonably foreseeable future development. As stated in the Project's Initial Study, Appendix A, of this Draft EIR, the Project would be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs and would comply with applicable federal, state, and local statutes and regulations related to solid waste. The Project would not otherwise create other utility and service system impacts. Therefore, Project-level and cumulative impacts to utilities and service systems would be less than significant. In addition, WS-PDF-1 would be implemented, as well as other water conservation features pursuant to the Project's LEED Gold certification and ELDP certification.

**WS-PDF- 1: Water Conservation Features:** The Project shall implement the following water conservation features that are in addition to those required by codes and ordinances:

- High Efficiency Toilets with a flush volume of 1 gallon per flush, or less
- Urinal flush volumes of 1.0 gallons per minute, or less
- Showerheads with a flow rate of 1.2 gallons per minute, or less
- ENERGY STAR Certified Residential Clothes Washers - Front-loading or Top-loading with Integrated Water Factor of 3.2 or less and capacity of 4.5 cubic feet
- ENERGY STAR Certified Residential Dishwashers - compact with 3 gallons/cycle or less
- Domestic Water Heating System located close proximity to point(s) of use
- Individual metering and billing for water use for every residential dwelling unit and commercial unit
- Tankless and on-demand Water Heaters
- Water-Saving Pool Filter
- Pool/Spa recirculating filtration equipment
- Pool splash troughs around the perimeter that drain back into the pool
- Install a meter on the pool make-up line so water use can be monitored and leaks can be identified and repaired
- Reuse pool backwash for irrigation
- Leak Detection System for swimming pools and Jacuzzi
- Drip/Subsurface Irrigation (Micro-Irrigation)
- Micro-Spray
- Proper Hydro-zoning/Zoned Irrigation - (groups, plants with similar water requirements together)
- Artificial Turf
- Drought Tolerant Plants - approximately 70 percent of landscaping
- Water Conserving turf - approximately 30 percent of total landscaping

**Wildfire.** As addressed in Section IV.G, *Hazards and Hazardous Materials*, and Chapter VI, *Other CEQA Considerations*, Section 6.I), *Wildfire*, the Project Site is located in a highly urbanized area and is not located within a City-designated wildfire hazard area. Further, the Project is not located within a State Responsibility Area or an area designated as a Very High Fire Hazard Severity Zone. Therefore, no impacts would occur in regard to location within a wildfire hazard area.

## 5. LESS THAN SIGNIFICANT IMPACTS WITH MITIGATION

The EIR determined that the Project has potentially significant environmental impacts in the areas

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

## **AIR QUALITY**

### ***Impact Summary***

#### ***Criteria Pollutants - Construction Emissions (Project-level)***

The Project would contribute to air pollutant emissions during construction (short-term or temporary) and Project operations (long-term). However, based on analysis in the Draft EIR, construction and operation of the Project would result in less than significant impacts relative to the maximum daily emissions as compared to the SCAQMD regional significance thresholds for construction and operational phases for criteria air pollutant emissions in which the region is non-attainment under the CAAQS or NAAQS (i.e., ozone precursors of VOCs and NOX, PM10, and PM2.5). However, the exception to this would be short-term and temporary NOX emissions generated during the one-day continuous concrete pour phase for the Project. In addition, construction and operational emissions from the Project would not exceed the SCAQMD regional significance thresholds for attainment, maintenance, or unclassifiable criteria air pollutants (i.e., CO and SO2).

Construction of the Project would generate temporary regional criteria pollutant emissions through the use of heavy-duty construction equipment, such as excavators and forklifts, through vehicle trips generated by workers and haul trucks traveling to and from the Project Site, and through building activities such as the application of paint and other surface coatings. In addition, fugitive dust emissions would result from demolition and various soil-handling activities. Mobile source emissions, primarily NOX, would result from the use of construction equipment such as dozers and loaders. Construction emissions can vary substantially from day to day, depending on the level of activity, the specific type of construction activity, and prevailing weather conditions.

The results of the criteria pollutant calculations are presented in Table IV.B-7, *Estimated Maximum Regional Construction Emissions without Project Design Features* and Table IV.B-8, *Estimated Maximum Regional Construction Emissions with Project Design Features* in the Draft EIR. The calculations in Table IV.B-8 incorporate compliance with applicable PDFs including AQ-PDF-2, and dust control measures required to be implemented during each phase of construction by SCAQMD Rule 403 (Control of Fugitive Dust) and fugitive VOC control measures required to be implemented by architectural coating emission factors based on SCAQMD Rule 1113 (Architectural Coatings).

As shown in Table IV.B-8, construction-related daily emissions would not exceed the SCAQMD numeric indicators of significance with the exception of short-term and temporary NO<sub>x</sub> emissions during the one-day continuous concrete pour phase. All other emissions levels would be below the applicable numeric indicators. The NO<sub>x</sub> emissions result primarily from on-site construction equipment, and on-road hauling and concrete truck emissions generated during truck travel and idling during the one-day continuous concrete pour phase. Therefore, the Project's temporary and short-term NO<sub>x</sub> impact resulting from the one-day continuous concrete pour phase would be potentially significant, and mitigation measures are required.

#### ***Criteria Pollutants - Construction Emissions (Cumulative)***

The City has determined to rely on thresholds established by the SCAQMD (refer to State CEQA Guidelines Section 15064.7) to assess the Project's cumulative impacts. As Lead Agency, the AQMD uses the same significance thresholds for project specific and cumulative impacts for all environmental topics analyzed in an Environmental Assessment or EIR. Projects that exceed the Project-specific significance thresholds are considered by the SCAQMD to be cumulatively considerable. This is the reason project-specific and cumulative significance thresholds are the same. Conversely, projects that do not exceed the project-specific thresholds are generally not considered to be cumulatively significant. Therefore, consistent with accepted and established SCAQMD cumulative impact evaluation methodologies, the potential for the Project to result in cumulative impacts from regional emissions is assessed based on the SCAQMD thresholds.

Based on the project-specific level of emissions, the Project's cumulative impacts would be potentially significant for construction due to regional NO<sub>x</sub> emissions exceeding the numerical indicators of significance as shown in Table IV.B-8 for regional construction emissions during the one-day continuous concrete pour phase. Therefore, mitigation measures are required.

### ***Project Design Features***

**AQ-PDF-1: Green Building Features:** The Project will be designed to achieve the equivalent of the United States Green Building Council (USGBC) Leadership in Energy and Environmental Design (LEED) Gold Certification level for new buildings. The Project will demonstrate compliance with the LEED Gold Certification or equivalent by providing architectural and engineering documentation, building energy modeling simulations, and other supporting evidence consistent with USGBC accepted documentation standards. Pre-construction documentation that indicates the Project is designed to achieve the number of points required for LEED Gold Certification will be provided to the City prior to building permit issuance. Post-construction documentation that indicates the Project operates within the expected parameters to achieve the number of points required for LEED Gold Certification will be provided to the City after completion of commissioning activities. A summary of key green building and LEED measures are provided below:

- The Project will implement a construction waste management plan to recycle and/or salvage a minimum of 65 percent of nonhazardous construction debris.
- The Project will incorporate heat island reduction strategies for 50 percent of the site hardscapes or provide 100 percent structured parking and incorporate heat island reduction strategies, including but not limited to high-reflectance and vegetated roofs, for the Project roof areas.
- The Project shall include at least twenty (20) percent of the total code required parking spaces provided for all types of parking facilities, but in no case less than one location, shall be capable of supporting future electric vehicle supply equipment (EVSE). Plans shall indicate the proposed type and location(s) of EVSE and also include raceway method(s), wiring schematics and electrical calculations to verify that the electrical system has sufficient capacity to simultaneously charge all electric vehicles at all designated EV charging locations at their full rated amperage. Plan design shall be based upon Level 2 or greater EVSE at its maximum operating ampacity. Of the 20 percent EV Ready, five (5) percent of the total code required parking spaces shall be further provided with EV chargers to immediately accommodate electric vehicles within the parking areas. When the application of either the 20 percent or 5 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.

- The Project will optimize building energy performance including, but not limited to, installing energy efficient appliances.
- The Project will reduce water consumption by 40 percent for indoor water and 50 percent for outdoor water compared to baseline water consumption. Water reduction strategies include but are not limited to planting drought-tolerant/California native plant species, increasing irrigation system efficiency, incorporating alternative water supplies (e.g., stormwater retention for use in landscaping), and/or installing smart irrigation systems (e.g., weather-based controls).
- The Project will provide on-site recycling areas with containers to promote the recycling of paper, metal, glass, and other recyclable materials and adequate storage areas for such containers.
- The residential units within the Project will not include the use of natural gas-fueled fireplaces.

**AQ-PDF-2: Construction Equipment Features:** The Applicant will implement the following construction equipment features for equipment operating at the Project Site. These features will be included in applicable bid documents, and successful contractor(s) must demonstrate the ability to supply such equipment. Construction features will include the following:

- During plan check, the Project representative will make available to the lead agency and the South Coast Air Quality Management District (SCAQMD) a comprehensive inventory of all off-road construction equipment, equal to or greater than 50 horsepower, that will be used during any of the construction phases. The inventory will include the horsepower rating, engine production year, and certification of the specified Tier standard. A copy of each such unit's certified tier specification, Best Available Control Technology (BACT) documentation, and California Air Resources Board (CARB) or SCAQMD operating permit shall be provided 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. Off-road diesel-powered equipment that will be used an aggregate of 40 or more hours during any portion of the construction activities associated with grading/excavation/export phase must meet the Tier 4 Final standards. Construction contractors supplying heavy duty diesel equipment greater than 50 horsepower will be encouraged to apply for SCAQMD Surplus Off-Road Opt-In for NOx (SOON) funds. Information including the SCAQMD website will be provided to each contractor which uses heavy duty diesel for on-site construction activities.
- Equipment such as tower cranes and signal boards must be electric or alternative-fueled (i.e., non-diesel). Pole power will be made available for use for electric tools, equipment, lighting, etc. Construction equipment such as tower cranes and signal boards must utilize electricity from power poles or alternative fuels (i.e., non-diesel), rather than diesel power generators and/or gasoline power generators. If stationary construction equipment, such as diesel- or gasoline-powered generators, must be operated continuously, such equipment must be located at least 100 feet from sensitive land uses (e.g., residences, schools, childcare centers, hospitals, parks, or similar uses), whenever possible.
- Alternative-fueled generators (e.g., natural gas, battery electric, solar, etc.) that generate less NOx and particulate matter emissions when compared to equivalent diesel-fueled models will be used when commercial models that have the power supply requirements to meet the construction needs of the Project are commercially available from local suppliers/vendors. The determination of the commercial availability of such equipment will be made by the City prior to the issuance of grading or building permits based on applicant-provided evidence of the availability or unavailability of alternative-fueled generators and/or evidence obtained by the City from expert sources such as construction contractors in the region.
- Alternative-fueled sweepers/scrubbers shall be used pursuant to SCAQMD Rule 1186.1.

- Contractors will maintain and operate construction equipment so as to minimize exhaust emissions. All construction equipment must be properly tuned and maintained in accordance with the manufacturer's specifications. The contractor must keep documentation on-site demonstrating that the equipment has been maintained in accordance with the manufacturer's specifications. Tampering with construction equipment to increase horsepower or to defeat emission control devices must be prohibited.
- Construction activities must be discontinued during second-stage smog alerts. A record of any second-stage smog alerts and of discontinued construction activities as applicable will be maintained by the Contractor on-site.

### ***Mitigation Measures***

**AQ-MM-1:** The Applicant shall implement the following measures to reduce the emissions of air pollutants generated by concrete trucks during the continuous concrete pouring phase lasting for approximately one day:

- a. The contractor shall use concrete trucks with an average capacity of 10 cubic yards to minimize the number of concrete truck trips;
- b. The contractor shall use local concrete suppliers with 90 percent or more of the concrete supplied by one or more facilities located within a driving distance of approximately 4.5 miles per one-way trip (approximately 9 miles per round trip) and the remaining 10 percent from one or more facilities located within a driving distance of approximately 9 miles per one-way trip (approximately 18 miles per round trip).
- c. The contractor shall be required to ensure that approximately 50 percent of the concrete truck trips, equivalent to approximately 19 concrete trucks per hour, are made by CNG-fueled concrete trucks or trucks that achieve the same or lower NO<sub>x</sub> emissions as CNG-fueled concrete trucks.
- d. During plan check, the Project representative shall make available to the lead agency and SCAQMD a comprehensive inventory of all concrete trucks that will be used during the continuous approximately one-day concrete pouring phase. The inventory shall include the concrete truck capacity, fuel specification, and NO<sub>x</sub> emissions rating. A copy of each such unit's certified emissions rating shall be provided 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 emissions specification.

### ***Finding***

Pursuant to Public Resources Code, section 21081(a)(1), the City finds that changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid these significant effects on the environment.

### ***Rationale for Finding***

The mitigation measure would require larger sized concrete trucks to reduce concrete truck trips, local concrete supplies, and that half of the concrete truck trips be made by CNG-fueled vehicles. This mitigation would reduce emissions from on-road and off-road heavy-duty vehicles and concrete truck emissions. The Project's mitigated regional construction emissions are summarized in Table IV.B- 13, *Estimated Maximum Mitigated Regional Construction Emissions* of the Draft EIR. Implementation of AQ-MM-1 would reduce regional NO<sub>x</sub> emissions from 373 lbs./day to 96 lbs./day during the one-day continuous concrete pour phase



to below the SCAQMD regional numeric indicator of 100 lbs./day. Therefore, impacts related to regional NO<sub>x</sub> construction emissions would be reduced to less than significant after implementation of mitigation measures. Project level regional construction impacts would be less than significant after implementation of mitigation measures, and the Project's contribution to cumulatively significant construction impacts to air quality would be less than significant for regional NO<sub>x</sub> after implementation of mitigation measures.

### ***Reference***

For a complete discussion of impacts associated with construction criteria pollutants, see Chapter IV.B, Air Quality, of the Draft EIR, pages IV.B-66-70, 79-84, and Appendix C, Air Quality, of the Draft EIR.

## **BIOLOGICAL RESOURCES**

### ***Impact Summary***

#### ***Migratory Birds***

The Project Site is located in the highly urbanized Downtown area and South Park area of the City and is fully developed with commercial buildings and associated surface parking. Due to the highly urbanized nature of the Project Site and surrounding area, the lack of on-site trees and other landscaping, and the lack of a major water body, the Project Site does not contain substantial habitat for native resident or migratory species, or native wildlife nursery sites. The street trees adjacent to the Project Site that would be replaced during implementation of the Project. Therefore, the Project would not interfere with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors or impede the use of native wildlife nursery sites. However, the potential exists for protected bird species to be nesting in the street trees during Project construction. In order to avoid disturbance of nesting birds a mitigation measure shall be implemented to further reduce impacts to nesting birds.

***Project Design Features*** - None.

### ***Mitigation Measures***

**MM-BIO-1:** Prior to issuance of a grading permit, the Project Applicant shall demonstrate that the following requirements have been included in the Project construction plan:

1. Any construction activities that occur during the nesting season (February 15 to August 31) shall require that all suitable habitat (i.e., street trees and shrubs) be surveyed for the presence of nesting birds by a qualified biologist, retained by the Applicant as approved by the City of Los Angeles Building and Safety, before commencement of clearing and prior to grading permit issuance. The survey shall be conducted within 72 hours prior to the start of construction. A copy of the pre-construction survey shall be submitted to the City of Los Angeles Building and Safety.
2. If the required pre-construction survey detects any active nests, an appropriate buffer as determined by the biological monitor, shall be delineated, flagged, and avoided to the extent feasible until the qualified biological monitor has verified that the young have fledged or the nest has otherwise become inactive.

### ***Finding***

Pursuant to Public Resources Code, section 21081(a)(1), the City finds that changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid these significant effects on the

environment.

### ***Rationale for Finding***

Potential exists for protected bird species to be nesting in the street trees during Project construction. The Migratory Bird Treaty Act) (16 U.S.C. 703-712) makes it illegal to take, possess, or harm any migratory bird or nests, except under the terms of a valid Federal permit. MM-BIO-1 supplements these regulatory requirements by requiring that if construction activities occur during the nesting season, that a bird nesting survey be conducted, and that appropriate protection of nests occur if such nests were to be discovered. Regulatory compliance with the Migratory Bird Treaty Act will ensure that impacts are less than significant, and implementation of MM-BIO-1 provides supplemental guidance for compliance with the Act to further reduce impacts.

### ***Reference***

For a complete discussion of biological impacts associated with movement of migratory wildlife, wildlife corridors, or wildlife nursery sites, see Appendix A, Initial Study, of the Draft EIR (pages B-8 and B-9).

## **CULTURAL RESOURCES**

### ***Impact Summary***

#### ***Historic Resources – Direct Impacts***

The five existing buildings on the Project Site which are slated for demolition and removal do not qualify as historical resources under CEQA. Accordingly, no further analysis of direct impacts on on-site historic architectural resources is required. While no archaeological resources are documented within the Project Site, *Zanja No. 8* is depicted on maps as adjacent to the west side of the Project Site, potentially within the public mid-block alley. This resource therefore may be preserved under the alley pavement in a location where it could be encountered during off-site improvements in the vicinity of the Project Site, such as utility, sidewalk, and alley improvements, and the construction of the proposed ingress and egress points to the Project Site from the alley. For the purposes of this Project, the City of Los Angeles is treating the *Zanja No. 8* as a historical resource under CEQA Guidelines Section 15064.5(a)(3).

Project construction would also result in deeper excavation, to approximately 70 feet below the ground's surface, than any of the prior documented residential and single-story commercial uses on the Project Site. Furthermore, as described in the historic context, the residential development originally located on the Project Site may have left in place remains of building foundations and associated features such as trash deposits, privies, wells, and other outbuildings which could be capped beneath the current buildings and paved parking lot. The presence of brick and other materials seen in the upper layers of sediment on the Project Site, as encountered during geotechnical testing, indicate the possibility that archaeological materials could be present within the subsurface of the Project Site. Any archaeological resources encountered during Project-related ground disturbing activities, including both prehistoric and historic-period resources, have the potential to qualify as historical resources under CEQA. Therefore, impacts related to historic resources are potentially significant prior to mitigation.

#### ***Historic Resources – Indirect Impacts***

Six historical resources determined eligible for the California Register and National Register were identified in the immediate vicinity of the Project Site. However, none of these resources are adjacent to the Project

Site and none would be physically affected by the Project. While the Project's scale and massing would introduce a new prominent visual element in the Project vicinity, the Project is not adjacent to any historic architectural resources that qualify as historical resources, and the Project's location, design, scale and massing would not affect the visual prominence or historic character, or interrupt important views, of any off-site resources, as described in the Phase I Cultural Resources Assessment Report included as Appendix D of the Draft EIR. Furthermore, the existing built environment in the Project vicinity has been substantially altered by demolition, redevelopment and infill construction. These changes to the area's built environment have materially altered the original historic setting to the extent that neither the Project Site in its present state nor the surrounding built environment are associated with any identified historical resources and do not contribute to their eligibility. The Project would not cause an indirect substantial adverse change in the significance of a historical resource, as defined in Section 15064.5 and impacts would be less than significant and would not require mitigation.

### ***Archeological Resources***

As discussed above, there is potential for the Project site to contain subsurface archaeological resources. Archaeological deposits are frequently located in relatively close proximity to water sources (such as the Los Angeles River, located 1.85-miles west of the Project Site) and these deposits could contain both prehistoric archaeological resources as well as historic-period resources related to previous residential use of the Project site. In addition, *Zanja No. 8* is also depicted on maps as adjacent to the west side of the Project Site, potentially within the mid-block alley. For the purposes of this Project, the City of Los Angeles is treating the *Zanja No. 8* as a historical resource under CEQA Guidelines Section 15064.5(a)(3) - however, it might also qualify as a unique archaeological resource as defined in 21083.2. As a result, the Project has the potential to cause a substantial adverse change in the significance of an archaeological resource on the Project Site, as defined in Section 15064.5, and impacts to archeological resources are potentially significant prior to mitigation.

***Project Design Features*** – None

### ***Mitigation Measures***

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

**CULT-MM-2:** In the event that historic-period (e.g., bottles, foundations, refuse dumps/privies, railroads, etc.) or prehistoric (e.g., hearths, burials, stone tools, shell and faunal bone remains, etc.) archaeological resources are unearthed, ground-disturbing activities shall be halted or diverted away from the vicinity of the find so that the find can be evaluated. A 50-foot buffer shall be established by the Qualified Archaeologist around the find where construction activities shall not be allowed to continue. Work may continue outside of the buffer area. All archaeological resources unearthed by Project construction activities shall be evaluated by the Qualified Archaeologist. If a resource is determined by the Qualified Archaeologist to constitute a “historical resource” pursuant to CEQA Guidelines Section 15064.5(a) or a “unique archaeological resource” pursuant to Public Resources Code Section 21083.2(g), the Qualified Archaeologist shall coordinate with the Applicant and the City to develop a formal treatment plan that would serve to reduce impacts to the resources. If any prehistoric archaeological sites are encountered within the project area, consultation with interested Native American parties will be conducted to apprise them of any such findings and solicit any comments they may have regarding appropriate treatment and disposition of the resources. The treatment plan established for the resources shall be in accordance with CEQA Guidelines Section 15064.5(f) for historical resources and Public Resources Code Sections 21083.2(b) for unique archaeological resources. Preservation in place (i.e., avoidance) is the preferred manner of treatment. If, in coordination with the City, it is determined that preservation in place is not feasible, appropriate treatment of the resource shall be developed by the Qualified Archaeologist in coordination with the City and may include implementation of archaeological data recovery excavations to remove the resource along with subsequent laboratory processing, analysis, and reporting. Any archaeological material collected shall be curated at a public, non-profit institution with a research interest in the materials, if such an institution agrees to accept the material. If no institution accepts the archaeological material, they shall be donated to a local school or historical society in the area for educational purposes.

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

**CULT-MM-4:** Although Project disturbance planned for ingress and egress to the Project Site and ancillary construction for utilities and other infrastructure related to the Project would result in mainly surficial excavation, if the Zanja is located where mapped, such construction has the potential to encounter the Zanja. The following recommendations would reduce impacts to the Zanja. If Zanja-related infrastructure is unearthed, ground-disturbing activities shall be halted or diverted away from the vicinity of the find so that the find can be evaluated. An appropriate exclusion area that takes into account the linear nature of the resource shall be established by the Qualified Archaeologist. Construction activities shall not be allowed to continue within the exclusion area until directed by the Qualified Archaeologist in consultation with the City, but work shall be allowed to continue outside of the exclusion area. The Qualified Archaeologist shall coordinate with the Applicant and the City's Office of Historic Resources to develop a formal treatment plan for the resource that would serve to mitigate impacts to the resource. The treatment measures listed in California Code of Regulations Section 15126.4(b) shall be considered when determining appropriate treatment for the Zanja. As noted in California Code of Regulations Section 15126.4(b)(A), preservation in place (i.e., avoidance) is the preferred manner of mitigating impacts to archaeological sites. If, in coordination

with the City, it is determined that preservation in place is not feasible, other treatment measures for the resource shall be developed by the Qualified Archaeologist in coordination with the Office of Historic Resources and with final approval by the City. Treatment would be designed to address the resource's eligibility under Criterion 1 (significant events), Criterion 2 (important persons), Criterion 3 (type, period, region or method of construction), and Criterion 4 (scientific data) and may include implementation of: (1) data recovery excavations to document and remove the resource, followed by subsequent laboratory processing, analysis, and reporting; (2) a commemoration program that includes the development of an interpretive exhibit/display or plaque at the Project Site; and/or (3) other public educational and/or interpretive treatment measures determined appropriate by the Qualified Archaeologist in consultation with the City's Office of Historic Resources. Any associated artifacts collected that are not made part of the interpretive collection shall be curated at a public, non-profit institution with a research interest in the materials, if such an institution agrees to accept the material. If no institution accepts the materials, they shall be offered for donation to a local school or historical society for educational purposes.

**CULT-MM-5:** The Qualified Archaeologist shall prepare a final report and appropriate California Department of Parks and Recreation Site Forms for the Zanja resource. The report shall outline the treatment measures implemented and shall include a description of the resource and the results of any artifact processing, analysis, and research that was conducted. The report and the Site Forms shall be submitted by the Qualified Archaeologist to the City and the South-Central Coastal Information Center.

### ***Finding***

Pursuant to Public Resources Code, section 21081(a)(1), the City finds that changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid these significant effects on the environment.

### ***Rationale for Finding***

Three mitigation measures are proposed to address potential impacts to archaeological resources or archaeological resources that are historical resources under CEQA. Mitigation measure CULT-MM-1 requires the Applicant to retain a Qualified Archaeologist to monitor all ground-disturbing activities. Mitigation measure CULT-MM-2 requires ground-disturbing activities to be halted or diverted in the event of the discovery of archaeological resources, and coordination to take place between the Applicant and City regarding their disposition. Mitigation measure CULT-MM-3 requires the Qualified archaeologist to prepare a monitoring report and California Department of Parks and Recreation (DPR 523) Forms documenting resources found.

Additionally, two mitigation measures are proposed to address potential impacts to the *Zanja* water conveyance system. If the resource is encountered, mitigation measure CULT-MM-4 requires a Qualified Archaeologist to halt construction activities within an exclusion area until defined by the Qualified Archaeologist in consultation with the City until a formal treatment plan is developed in consultation with the Applicant and the City's Office of Historic Resource and can be implemented for the resource. Mitigation measure CULT-MM-5 requires a final report and appropriate DPR 523 Site Forms documenting the *Zanja* resource.

With implementation of these mitigation measures, potential Project impacts on historic and archaeological resources would be reduced to a less than significant level, as these mitigation measures would ensure

proper monitoring and treatment of potential cultural resources, should they be discovered during excavation and grading activities for the Project.

### ***Reference***

For a complete discussion of cultural resource impacts associated with historic resources and archeological resources, see Chapter IV.C, Cultural Resources, of the Draft EIR, pages IV.C-17 – IV.C-27, and Appendix D, Cultural Resources Assessment Report, of the Draft EIR.

## **GEOLOGY AND SOILS**

### ***Impact Summary***

#### ***Paleontological Resources***

As a result of the Paleontological Resources Assessment Report, included as Appendix F-3 of the Draft EIR, the surficial sediments of the Project Site identified as younger Quaternary alluvium are assigned a low paleontological sensitivity, as they are too young to preserve fossils. However, the Late Holocene to Pleistocene older alluvium, present at an undetermined depth within the Project Site, has high paleontological sensitivity. Based upon the depth to the older alluvium to the north and northeast of the Project Site (as little as 10 feet below ground surface) and the depth at which fossils have been found within 0.18-3.13 miles of the Project Site (as little as 20 feet below ground surface), it is estimated that the transition from low to high sensitivity sediments occurs at approximately 15 feet below ground surface. The depth of 15 feet is derived from the records search of the Natural History Museum of Los Angeles County (NHMLAC) and well and boring log correlations. Substantial excavation within the Project Site during construction for subterranean parking, deep excavation for excavation shoring, and excavation for ancillary uses or infrastructure improvements are planned at depths up to 70 feet below ground surface, which would intercept older alluvium determined to have a high sensitivity for fossils, pursuant to the guidelines of the Society of Vertebrate Paleontology (SVP). As a result, Project construction would have the potential to directly or indirectly destroy a unique paleontological resource not identified in the analysis conducted for the Project. In light of the nature of the Project's site preparation and excavation work during construction, Project Impacts on paleontological resources are potentially significant prior to mitigation.

***Project Design Features*** - None.

### ***Mitigation Measures***

**GEOL-MM-1:** A Qualified Paleontologist meeting the Society of Vertebrate Paleontology (SVP) Standards (SVP, 2010) (Qualified Paleontologist) shall be retained prior to the approval of demolition or grading permits. The Qualified Paleontologist shall provide technical and compliance oversight of all work as it relates to paleontological resources, shall attend the Project kick-off meeting and Project progress meetings on a regular basis, and shall report to the Project Site in the event potential paleontological resources are encountered.

**GEOL-MM-2:** The Qualified Paleontologist shall conduct construction worker paleontological resources sensitivity training at the Project kick-off meeting prior to the start of ground disturbing activities (including vegetation removal, pavement removal, etc.). In the event construction crews are phased, additional training shall be conducted for new construction personnel. The training session shall focus on the recognition of the types of paleontological resources that could be encountered within the Project Site and the procedures to be followed if they are found. Documentation shall be

retained by the Qualified Paleontologist demonstrating that the appropriate construction personnel attended the training.

**GEOL-MM-3:** Paleontological resources monitoring shall be performed by a qualified paleontological monitor (meeting the standards of the SVP, 2010) under the direction of the Qualified Paleontologist. Paleontological resources monitoring shall be conducted for all ground disturbing activities that exceed 15 feet in depth in previously undisturbed older Alluvial sediments which have high sensitivity for encountering paleontological resources. However, depending on the conditions encountered, full-time monitoring within these sediments can be reduced to part-time inspections or ceased entirely if determined appropriate by the Qualified Paleontologist. The surficial Alluvium has low paleontological sensitivity and so work in the upper 15 feet of the Project Site does not require monitoring. The Qualified Paleontologist shall spot check the excavation on an intermittent basis and recommend whether the depth of required monitoring should be revised based on his/her observations. Monitors shall have the authority to temporarily halt or divert work away from exposed fossils or potential fossils. Monitors shall prepare daily logs detailing the types of activities and soils observed, and any discoveries.

**GEOL-MM-4:** Any significant fossils collected during project-related excavations shall be prepared to the point of identification and curated into an accredited repository with retrievable storage. The Qualified Paleontologist shall prepare a final monitoring and mitigation report for submittal to the City in order to document the results of the monitoring effort and any discoveries. If there are significant discoveries, fossil locality information and final disposition will be included with the final report which will be submitted to the appropriate repository and the City.

### ***Finding***

Pursuant to Public Resources Code, section 21081(a)(1), the City finds that changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid these significant effects on the environment.

### ***Rationale for Finding***

Four mitigation measures are proposed to address the Project's potential impacts on paleontological resources. GEOL-MM-1 requires the retention of a Qualified Paleontologist to oversee construction monitoring and other mitigation activities. GEOL-MM-2 requires construction worker paleontological resources sensitivity training at the Project kick-off meeting prior to the start of ground disturbing activities. Mitigation measure GEOL-MM-3 requires paleontological resources monitoring by a qualified paleontological monitor (meeting the standards of the SVP) under the direction of the qualified paleontologist for all ground-disturbing activities that exceed 15 feet in depth in previously undisturbed older Alluvial sediments with a high sensitivity for encountering paleontological resources. GEOL-MM-4 requires that any significant fossils collected during project-related excavations be prepared to the point of identification and curated into an accredited repository with retrievable storage. With implementation of these mitigation measures, the Project's potential impacts on previously unknown paleontological resources would be reduced to a less than significant level.

### ***Reference***

For a complete discussion of impacts associated with paleontological resources, see Chapter IV.E, Geology and Soils - Paleontological Resources, of the Draft EIR, pages IV.E-22 – IV.E.26, and as Appendix F-3, Paleontological Resources Assessment Report, of the Draft EIR.

## **HAZARDS & HAZARDOUS MATERIALS**

### ***Impact Summary***

#### ***Release of Hazardous Materials (Construction)***

Project construction would not involve the use of hazardous materials in substantial amounts such that a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions would result from temporary construction activities. However, the Phase I/II ESA for the Project (Appendix H, Phase I and Limited Phase II Environmental Site Assessment, of the Draft EIR) identified the following items of potential environmental concern during construction: asbestos-containing materials (ACMs), lead-based paint (LBP), underground storage tanks (USTs), and subsurface soil and soil gas contamination. Potential impacts regarding ACMs and LBP materials would be controlled through the implementation of regulatory measure that would protect the public safety and therefore impacts would be less than significant.

Regarding USTs, three small USTs were identified on a substructure map within the sidewalk along West 11th Street and South Olive Street adjacent to the Project Site. A previous geophysical survey conducted in 2014 identified the potential for USTs to be present. During Project Site reconnaissance, an asphalt patch was observed in the sidewalk near one of the three possible "tank" locations noted in the substructure maps (Appendix F of the Phase I/II ESA). Earthwork may occur under the sidewalk associated with construction of the Project, including tiebacks and utility work. Earthwork that may occur in the vicinity of the potential tank locations must account for the possibility of encountering such tanks. Such tanks may represent a source of residual contamination due to their previous containment from petroleum products (e.g., materials associated with the Site's previous automotive uses) or other hazardous chemicals.

As part of the Phase I/II ESA, testing was also conducted to assess the presence or absence of subsurface impacts to soil and soil vapor. Soil testing results indicated that VOCs were not detected in the samples above the laboratory detection limits. Metals were also not detected above applicable screening levels in the soil samples analyzed. The soil gas samples reported low levels of PCE and BTEX above the laboratory detection limits; however, the concentrations were below the USEPA Regional Screening Levels for a residential property. Even so, during excavation of the Project Site, Project construction could theoretically encounter potentially impacted or impacted soils.

Therefore, potential hazardous impacts due to the potential presence of USTs and/or subsurface soil and gas vapors would be potentially significant prior to mitigation.

#### ***Release of Hazardous Materials (Operation)***

For operational impacts, the Project would involve common activities associated with residential and retail and/or restaurant uses, along with activities associated with recreational and community facilities. No hazardous materials would be utilized in day-to-day operations of the Project other than the typical household, commercial, vehicle, pool and spa, and landscaping maintenance materials. The site would also be subject to regulations regarding residential building in a Methane Zone. Soil gas samples on the site also reported low levels of PCE and BTEX above the laboratory detection limits. However, the concentrations were below the EPA Regional Screening Levels for a residential property. Potential operation impacts regarding the use of on-site hazardous materials, potential methane emissions and potential emissions due to the presence of subsurface soil and gas vapors would not occur due to a lack of related hazardous conditions at the Project Site; and/or through compliance with regulatory measures to address hazardous



materials that may be present. Operational impacts would be less than significant and would not require mitigation.

#### ***Hazards within ¼ Mile of a School (Construction)***

The schools closest to the Project Site are Los Angeles Unified School District's (LAUSD's) Los Angelitos Early Education Center located at 915 S. Olive Street, and LA Child Care and Development Council at 1001 S Hope Street, both located approximately 0.17 miles northwest of the Project Site. Construction of the Project would also involve the temporary use of hazardous substances in the form of paint, adhesives, surface coatings and other finishing materials, cleaning agents, fuels, and oils. However, such construction materials would be used, stored, and disposed of in accordance with applicable laws, regulations, and manufacturers' instructions. As discussed above, construction materials are not expected to cause risk to the public or nearby schools. Notwithstanding, the discussion of impacts for release of hazardous materials, above, identifies materials at the Project Site that could potentially be released due to construction activity from the removal of USTs or contaminated soils. The potential threat from such release would be primarily confined to the Project Site and its immediately adjacent area. However, a truck hauling contaminated material from the Project Site could pose a threat to the nearby schools if the hazardous materials were not properly secured, and impacts would be potentially significant prior to mitigation.

#### ***Hazards within ¼ Mile of a School (Operation)***

No hazardous materials would be used in day-to-day operations of the Project other than the typical household, commercial, vehicle, pool and spa, and landscaping maintenance materials. The use of these materials would be in small quantities and in accordance with the manufacturer's instructions for use, storage and disposal of such products. Given the nature of the materials that would be used on the Project Site, and regulatory requirements, there would be no hazardous emissions emitted or acutely hazardous materials, substances, or waste used within one-quarter mile of an existing or proposed school. Therefore, impacts would be less than significant, and no mitigation measures are required.

#### ***Hazardous Materials Site Listing (Construction)***

The Project Site is listed on the Hazardous Waste Information System (HAZNET) and FINDS Database for the historic use of halogenated solvents, photochemical/photo processing waste, and unspecified solvent mixtures uses. However, the database indicates no violations and a soil sampling analysis as part of a Phase I/II ESA tested under applicable screening levels. Therefore, construction would not create a significant hazard, caused in whole or in part from exacerbation of existing environmental conditions. In the event construction were to encounter hazardous materials in the soil, unexpectedly, this may result in potentially significant impacts prior to mitigation.

#### ***Hazardous Materials Site Listing (Operation)***

Hazardous conditions identified pursuant to Government Code Section 65962.5 would be removed from the Project Site prior to operations. No hazardous materials would be utilized in day-to-day operations of the Project other than the typical household, commercial, vehicle, pool and spa, and landscaping maintenance materials. These materials are not listed on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5, and therefore Project operations would not require future listing of the Project Site on such a list. Project operation would not create a significant hazard to the public or the environment caused in whole or in part from the Project's exacerbation of existing environmental conditions. No mitigation measures are required for Project operations.

***Project Design Features*** - None.

***Mitigation Measures***

**HAZ-MM-1:** A Soil Management Plan (SMP) shall be prepared that would provide guidance to contractors for appropriate handling, screening, and management of potentially impacted or impacted soils from historical operations that may be encountered at the Project Site during grading and excavation activities. These procedures would include training for construction personnel on the appropriate procedures for identification of suspected impacted soils; requirements for testing and collection of potentially contaminated soils; segregation of potentially impacted soils; and applicable soil handling and disposal procedures. The SMP shall also contain procedures to be followed in the event that undocumented subsurface features of potential environmental concern (e.g., USTs, abandoned oil wells, sumps, hydraulic lifts, clarifiers, buried drums) are encountered during the excavation grading, and/or other earthmoving activities. These procedures would include safety training, testing protocols, decontamination and decommission standards, and notification to the appropriate relevant regulatory oversight agency or agencies.

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

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

**HAZ-MM-2 USTs:** For earthwork activities occurring within the sidewalk in the vicinity of West 11 Street and South Olive Street, potholing prior to construction is required to assess if any Underground Storage Tanks (USTs) are present and to reduce the potential for construction delays. If a UST is identified, a tank removal permit and oversight of the removal shall be submitted to the Los Angeles Fire Department.

***Finding***

Pursuant to Public Resources Code, section 21081(a)(1), the City finds that changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid these significant effects on the environment.

***Rationale for Finding***

While subsurface soil and soil gas vapors have tested under applicable screening levels, to avoid the risk of potentially impacted or impacted soils that may be encountered at the Project Site during construction

activities, Mitigation Measure, HAZ-MM-1 has been included, which requires preparation of a Soils Management Plan (SMP) to ensure that all areas of the Project Site have been properly evaluated and to provide added guidance to contractors for appropriate screening, and management of potentially impacted or impacted soils that may be encountered during grading and excavation activities. Therefore, the potential construction impacts regarding hazardous impact to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment would be less than significant with the implementation of mitigation measures.

To avoid contact with, or release of, hazardous materials associated with removal of such potential USTs and related infrastructure, Mitigation Measure HAZ-MM-2 is included. This mitigation measure requires that earthwork activities in the vicinity of potential USTs be preceded by potholing prior to construction to verify the potential occurrence and characteristics of the Site conditions. If a UST is identified, a tank removal permit would be submitted to the LAFD; and the UST would be abandoned and removed per regulatory requirements; thus, avoiding hazards to the public safety and reducing impacts to less than significant levels.

To minimize the risk associated with the movement of impacted soils that may be encountered at the Project Site during grading and excavation activities near schools, HAZ-MM-1, includes the preparation of a SMP which also protects the safe transit of hazardous materials. The SMP would include guidance to contractors for appropriate screening, and management of potentially impacted or impacted soils that may be encountered during grading and excavation activities. As such, construction of the Project would not expose schools within one-quarter mile to hazardous emissions or to the effects of handling of hazardous or acutely hazardous materials, substances, or waste. Therefore, with implementation of HAZ-MM-1, potentially significant impacts would be avoided.

Similarly, regarding the site's listing as on a hazardous sites database, in the event construction were to encounter hazardous materials in the soil, unexpectedly, the SMP required under Mitigation Measure HAZ-MM-1 would include guidance to contractors for appropriate screening, and management of potentially impacted or impacted soils that may be encountered during grading and excavation activities. Therefore, with mitigation, Project construction would not exacerbate potentially existing site conditions (hazardous soils), in a manner that would create a significant hazard to the public or the environment; and impacts would be less than significant after mitigation.

Each of the proposed mitigation measures establishes directions and/or procedures for the Project Applicant to follow in order to safely remove any potential hazardous materials and/or conditions in a manner that is comprehensive and consistent with regulatory standards and procedures. Through application of the appropriate regulatory procedures and implementation of HAZ-MM-1 (contaminated soils), and HAZ-MM-2 (USTs), impacts associated with hazards and hazardous materials would be reduced to a less than significant level.

### ***Reference***

For a complete discussion of hazards and hazardous materials impacts associated with release of hazardous materials, hazards within ¼ mile of a school, and hazardous materials site listing, see Chapter IV.G, Hazards and Hazardous Materials, of the Draft EIR, pages IV.G-22 – IV.G-28, IV.G-30 – IV.G-33, Appendix H, Phase I and Limited Phase II Environmental Site Assessment, of the Draft EIR, and Chapter 2, Response to Comments, of the Final EIR (pages 2-3 – 2-5).

### **NOISE**

## ***Impact Summary***

### ***Construction Groundborne Vibration – Project-level***

Vibration levels during Project construction would exceed the 0.5 in/sec PPV significance threshold for potential residential building damage at the sensitive receptor location adjacent to the site to the north (Oakwood Olympic & Olive project). Construction of the Project could also potentially generate vibration levels that may result in damage to the Zanja No. 8. Groundborne vibration and noise would also expose the adjacent multifamily residents to the north and west to levels exceeding the threshold for human annoyance.

### ***Groundborne Vibration – Building Damage***

Construction activities on the Project Site have the potential to generate low levels of groundborne vibration as the operation of heavy equipment (i.e., backhoe, drill rig, excavator, loader, paver, and haul trucks, etc.) generates vibrations that propagate through the ground. Pursuant to NOISE-PDF-1, high-impact activities, such as pile driving or blasting, would not be used during Project construction. Groundborne vibrations from construction activities very rarely reach the levels that can damage buildings or structures, but they may be perceived in buildings very close to a construction site. Given that the vibration levels would be greatest when a single piece of equipment would be operating near the residential structure, a distance of five feet from receptor location R1 (mixed-use residential north of the Project Site) was used for the vibration evaluation. At five feet, a large bulldozer could produce vibration velocities of up to approximately 0.995 in/sec PPV at the adjacent off-site residential buildings. This vibration level would exceed the 0.5 in/sec PPV significance threshold for potential residential building damage and would be potentially significant prior to mitigation.

### ***Groundborne Vibration – Zanja Damage***

The City has not adopted a threshold for vibration impacts to buried archaeological resources. However, it is common practice for many lead agencies, and common practice of the City, to rely on recommended vibration criteria published by the FTA in its *Transit Noise and Vibration Impact Assessment Manual*. Under this FTA guidance, a PPV of 0.12 in/sec PPV is protective of and avoids damage to buildings that are extremely susceptible to vibration damage. While the FTA's 0.12 in/sec PPV criterion refers to buildings extremely susceptible to vibration damage, and not to buried archeological resources, it is relied upon herein as a potential indicator for possible damage to the Zanja No. 8. According to the FTA guidance, construction activities that typically generate the most severe vibrations are blasting and impact pile driving. However, as indicated in NOISE-PDF-1, the Project will not use impact pile drivers and will not allow blasting during construction activities. Nonetheless, construction of the Project could generate vibration levels of up to 0.995 in/sec PPV at a distance of 5 feet away. Conservatively assuming that Zanja No. 8 is located on the eastern side of the public mid-block alley close to the western side of the Project Site, construction of the Project could potentially generate vibration levels that may result in damage to the Zanja No. 8, resulting in a potentially significant impact prior to mitigation.

### ***Groundborne Vibration and Noise – Human Annoyance***

The nearest noise-sensitive uses, represented by receptor locations R1 (mixed-use residential north of the Project Site) and R2 (mixed-use residential west of the Project Site), would be located approximately 5 feet and 20 feet, respectively, from the Project Site property lines. These receptors could be exposed to groundborne vibration levels of up to 108 VdB at receptor location R1 and 90 VdB at receptor location R2 from the use of a large bulldozer. This would exceed the 72 VdB threshold for human annoyance. Groundborne vibration results in groundborne noise levels approximately 35 to 37 decibels lower than the

velocity level. Nonetheless, since groundborne noise is a direct result of groundborne vibration, groundborne noise would be considered significant. Therefore, Project construction could result in the generation of excessive groundborne vibration and groundborne noise that could reach or exceed human annoyance levels at off-site residences, resulting in a potentially significant impact prior to mitigation.

### ***Construction Groundborne Vibration - Cumulative***

When considering related projects located in the immediate vicinity of the Project Site, including Related Project No. 190 and Related Project No. 191, and the transportation improvement related projects, Related Project No. 193 and Related Project No. 194, construction of the Project could result in the exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise that could reach or exceed structural damage or human annoyance levels at off-site residences, resulting in a potentially significant impact for structural damage or human annoyance. As discussed above, construction groundborne vibration and groundborne noise structural damage and human annoyance impacts would be potentially significant at sensitive receptor locations R1 and R2. If simultaneous construction of the Project with one or more of these two related projects were to occur, the cumulative construction site groundborne vibration and groundborne noise impacts would occur. Thus, the Project's contribution to cumulative groundborne vibration and groundborne noise structural damage and human annoyance impacts would be cumulatively considerable when considering related projects in the immediate vicinity of the Project Site. Therefore, construction of the Project, considered together with related projects, would have a potentially significant cumulative groundborne vibration and groundborne noise structural damage and human annoyance impacts prior to mitigation.

### ***Project Design Features***

**NOISE-PDF-1:** The Project will not use impact pile drivers and will not allow blasting during construction activities.

**NOISE-PDF-2:** Signs will be posted at Project truck loading areas prohibiting idling for more than 5 consecutive minutes.

**NOISE-PDF-3: Amplified** sound in outdoor open space areas on the site shall be prohibited.

See also **AES-PDF-2** which provide noise shielding of the noise from the Project's parking structure.

### ***Mitigation Measures***

**NOISE-MM-4:** The operation of construction equipment that generates high levels of vibration, such as large bulldozers and loaded trucks, shall be prohibited within 80 feet of the property lines of existing residential uses adjacent to the Project Site. Instead, rubber-tired equipment not exceeding 400 horsepower shall be used in these areas during demolition, grading, and excavation operations within 80 feet from the sensitive receptor locations R1 (mixed-use residential north of the Project Site) and R2 (mixed-use residential west of the Project Site).

**NOISE-MM-5:** To reduce potential construction noise impacts and vibration impacts regarding human annoyance, the Applicant shall designate a construction relations officer to serve as a liaison with the adjacent mixed-use developments (R1 and R2). The liaison shall be responsible for responding to concerns regarding construction noise and vibration within 24 hours of receiving a complaint. The liaison shall ensure that steps will be taken to reduce construction noise and vibration levels as deemed appropriate and safe by the on-site construction manager. Such steps could include the

use of noise absorbing curtains or blankets, vibration absorbing barriers, substituting lower noise or vibration generating equipment or activity, rescheduling of high noise or vibration-generating construction activity, or other potential adjustments to the construction program to reduce noise or vibration levels at the adjacent mixed-use developments (sensitive receptor locations R1 [mixed-use residential north of the Project Site] and R2 [mixed-use residential west of the Project Site]).

**NOISE-MM-6:** The Project shall provide a construction site notice that includes the following information: job site address, permit number, name and phone number of the contractor and owner or owner's agent, hours of construction allowed by code or any discretionary approval for the site, and City telephone numbers where violations can be reported. The notice shall be posted and maintained at the construction site prior to the start of construction and displayed in a location that is readily visible to the public.

### ***Finding***

Pursuant to Public Resources Code, section 21081(a)(1), the City finds that changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid these significant effects on the environment.

### ***Rationale for Finding***

Mitigation measure NOISE-MM-4, as well as mitigation measures CULT-MM-1 through CULT-MM-5, would reduce the Project's construction groundborne vibration impacts on adjacent structures and the Zanja No. 8, and NOISE-MM-4, NOISE-MM-5, and NOISE-MM-6 would reduce impacts related to potential human annoyance to less than significant levels. These mitigation measures would reduce both project-level and cumulative impacts to less than significant levels.

### ***Construction Groundborne Vibration – Building Damage and Human Annoyance***

With implementation of mitigation measure NOISE-MM-4, NOISE-MM-5, and NOISE-MM-6, construction vibration impacts related to structural damage and human annoyance would be less than significant. Limiting the use of construction equipment generating high levels of vibration to no closer than 80 feet from vibration sensitive uses (R1 and R2) and using less vibration-generating equipment (e.g., rubber-tired small or medium bulldozers) within these areas would result in vibration levels of 0.016 in/sec PPV or less and 71.8 VdB or less at the residential uses located to the east, north, and west of the Project Site. These levels would be below the vibration significance criteria of 0.5 in/sec PPV for structural damage and 72 VdB for human annoyance. In addition, requiring a construction relations officer to serve as a liaison to address community concerns regarding construction vibration will also serve to address human annoyance. Therefore, construction groundborne vibration and groundborne noise impacts for the residential uses would be mitigated to less than significant levels.

### ***Construction Groundborne Vibration – Building Damage and Human Annoyance***

Assuming Zanja No. 8 is located on the eastern side of the public mid-block alley approximately 20 to 25 feet closer to the Project Site than the residential uses to the west of the alley, the mitigated vibration level (resulting from implementation of NOISE-MM-4) would be approximately 0.027 in/sec PPV at the eastern side of the alley, which would be much less than the significance threshold of 0.12 in/sec PPV. Furthermore, as discussed in Section IV.C, *Cultural Resources*, of the Draft EIR, Mitigation Measures CULT-MM-1 through CULT-MM-5 would be required to be implemented for archeological resources, which requires monitoring by a Qualified Archeologist, halting or diverting ground-disturbing activities if

archaeological resources (including *Zanja* No. 8) are unearthed, and documenting and reporting on archaeological resources (including *Zanja* No. 8) that are unearthed. With implementation of these vibration and archaeological resource mitigation measures, it is reasonable to conclude that vibration impacts to *Zanja* No. 8 would be reduced to less than significant levels.

### ***Reference***

For a complete discussion of noise impacts associated with construction noise and vibration, see Chapter IV.J, Noise, of the Draft EIR, pages IV.J-51 – IV.J-56, IV.J-64 – IV.J-68, and Appendix K, Noise and Vibration, of the Draft EIR.

## **TRANSPORTATION AND TRAFFIC**

### ***Impact Summary***

#### ***Program Plans, Ordinances, and Policies***

The Project would be consistent with and would not conflict with the Congestion Management Plan and the multiple plans regarding transit, bicycle and pedestrian facilities for both project-level and cumulative impacts. The analysis of the Project's impacts on street intersections, based on the LADOT TIS Guidelines, concluded that the Project would not have a significant impact on roadway intersections during the Existing with Project conditions. However, prior to mitigation, the Project would result in significant impacts at four intersections, described below.

#### ***Operational Traffic - Intersection Level of Service (LOS)***

As shown in Table IV.M-3 of the Draft EIR, the Project is anticipated to generate a total of 2,227 net new daily trips on a typical weekday, including 196 net new morning peak hour trips (39 inbound, 157 outbound) and 200 net new afternoon peak hour trips (138 inbound, 62 outbound). The Transportation Study assesses the Project's impacts in the context of both existing baseline conditions and future (2023) conditions. Traffic projections at the Study Area intersections accounted for two growth factors for future (2023) conditions: traffic generated by the 195 related projects and a growth factor to account for other ambient growth occurring in the region. Therefore, the analysis of future traffic conditions in 2023 provides the cumulative impacts analysis for the Project because it considers the Project's traffic together with the traffic generated by future planned land uses and accounted for cumulative impacts associated with future growth. The analysis of intersection impacts evaluated concluded that, in the Future With Project Conditions, The Project would result in a potentially significant impacts during the morning and afternoon peak hours at Olive Street & Olympic Boulevard, and at three intersections in the afternoon peak hour: Grand Avenue & 11th Street, Olive Street & Pico Boulevard and, Olive Street & 17<sup>th</sup> Street.

### ***Project Design Features***

**TRAF-PDF-1: Construction Management Plan:** A Construction Traffic Management Plan shall be prepared for approval by the City prior to the issuance of any construction permits, to incorporate the measures identified below, as well as a Worksite Traffic Control Plan specifying the details of any sidewalk or lane closures. The Worksite Traffic Control Plan will be developed by the Applicant, and will identify all traffic control measures, signs, delineators, and work instructions to be implemented by the construction contractor through the duration of demolition and construction activity. The Worksite Traffic Control Plan would minimize the potential conflicts between construction activities, street traffic, bicyclists and pedestrians. The plan will be reviewed and approved by LADOT prior to

commencement of construction and will include, but not limited to, the following elements as appropriate:

- Maintain access for land uses in the vicinity of the Project Site during construction.
- Schedule construction material deliveries to off-peak periods to the extent possible.
- Minimize obstruction of traffic lanes on Olive Street and 11th Street adjacent to the Project Site.
- Organize site deliveries and the staging of all equipment and materials in the most efficient manner possible, and on-site where possible, to avoid an impact to the surrounding roadways,
- Coordinate truck activity and deliveries to ensure trucks do not wait to unload or load at the site and impact roadway traffic. If needed, utilize an organized off-site staging area. Off-site staging areas shall be identified at an area that would avoid impacts to on-street parking or neighborhoods.
- Control truck and vehicle access to the Project Site with flagmen.
- Sidewalk access on Olive Street and 11th Street will be maintained during construction through the use of covered protective walkways. A Worksite Traffic Control Plan will be prepared for approval by the City, to facilitate pedestrian and traffic and movement, in order to minimize any potential conflicts.
- Coordinate with the City, emergency service providers, neighboring property management, and surrounding construction related project representatives (i.e., construction contractors) whose projects would potentially be under construction at around the same time as the Project to ensure adequate access is maintained to the Project Site and neighboring properties. Meetings shall be conducted bimonthly, or as otherwise determined appropriate by City Staff.
- Parking for construction workers will be provided off-site in off-street locations. Parking will not be allowed on streets in the vicinity of the Project.

**TRAF-PDF-2: Pedestrian Safety Plan:** The Applicant shall plan construction and construction staging so as to maintain pedestrian access, including Safe Routes to Schools, on adjacent sidewalks throughout all construction phases. The Applicant will maintain adequate and safe pedestrian protection, including physical separation (including utilization of barriers such as K-Rails or scaffolding, etc.) from workspace and vehicular traffic and overhead protection, due to sidewalk closure or blockage, at all times. Temporary pedestrian facilities will be adjacent to the Project Site and provide safe, accessible routes that replicate as nearly as practical the most desirable characteristics of the existing facility. Covered walkways will be provided where pedestrians are exposed to potential injury from falling objects. The Applicant will keep sidewalks open during construction except when it is absolutely required to close or block the sidewalks for construction staging. Sidewalks will be reopened as soon as reasonably feasible, taking construction and construction staging into account. In the event that multiple projects are under construction in the area simultaneously that would affect the same sidewalk(s), the Applicant shall coordinate with LADOT to ensure pedestrian safety along the sidewalks is maintained in the immediate vicinity around the Project Site.

The Project would also include a number of design characteristics, pursuant to the provisions of the Downtown Design Guide, that are intended to support pedestrian travel to and from the Project Site. These



include improvements to sidewalks adjacent to and within the Project Site, the addition of setbacks, shade, benches, and pedestrian-scale lighting, etc., along the Olive Street and 11<sup>th</sup> Street edges of the Project Site, and pedestrian-scale retail commercial uses along street frontages.

### ***Mitigation Measures***

**TRAF-MM-1: Transportation Demand Management (TDM) Program:** The Project shall implement a TDM program to encourage the use of non-auto modes of transportation and reduce vehicle trips. A preliminary TDM program shall be prepared and provided for LADOT review prior to the issuance of the first building permit for the Project and a final TDM program shall be approved by DOT prior to the issuance of the first certificate of occupancy. The preliminary plan shall include, at a minimum, measures consistent with the City's Trip Reduction Ordinance. As recommended by the Project's Transportation Study, the TDM program shall include, but not be limited to the following strategies:

- Promotion and support of carpools and rideshares, including parking and transit incentives;
- Preferential parking for carpools and vanpools for employees;
- Provide on-site real-time information displays to make available real-time information on car-sharing, transit, vanpools, taxis;
- Transit Welcome Package – to all new residents/employees with info on alternate modes and walk to destination opportunities;
- Unbundling of residential parking;
- Participate in a Car-Share Program to provide vehicle spaces for car share vehicles;
- Provide access to collapsible shopping carts and/or cargo bike for ease of local shopping;
- Provide discounts for employees who utilize public transit to travel from the project site;
- On-site bicycle amenities such as access to free bicycles for residential guests, on-site repair station and bicycle racks, and lockers/showers for residents and employees;
- Provide a free bike share service for residents;
- Participate in the City's Bike Share Program by providing an area for bike share facility
- A one-time fixed-fee contribution of \$75,000 to be deposited into the City's Bicycle Plan Trust Fund prior to the issuance of any certificates of occupancy to be used to implement bicycle improvements within the Project area;
- Make a one-time financial contribution of \$75,000 to the City of Los Angeles Department of Transportation for the implementation of First and Last Mile transit access measures in the vicinity of the Project Site;
- Ridesharing Services Program which would match employees together to establish carpools and vanpools;
- Record a Covenant and Agreement to ensure that the TDM program will be maintained.

In order to assess the Project's actual trip generation and any subsequent TDM Plan (if deemed necessary), a traffic monitoring plan shall be implemented once the Project is built and occupied to equilibrium (i.e., the level at which the owner/management deems maximum occupancy). The monitoring program shall be conducted annually to ensure compliance for a period of three years. If

the Project is found to not conform to the trip reduction targets of 30 trips in the AM peak hour and 33 trips during the afternoon peak hour, the Project shall have an additional year to meet the trip reduction levels. If the Project continues to not meet the TDM goals, the City and Project staff shall cooperate on implementing further TDM Strategies. The final traffic monitoring plan and TDM Plan shall be prepared for and approved by the LADOT prior to the issuance of the first certificate of occupancy for the project.

**TRAF-MM-2: Transportation System Management (TSM) Improvements.** The project shall contribute up to \$100,000 toward TSM improvements to intersections within the vicinity of the Project that may be considered to better accommodate intersection operations and increase intersection capacity throughout the Project's Transportation Study area.

A final determination on how to implement the TSM improvements will be made by LADOT prior to the issuance of the first building permit. These TSM improvements shall be implemented either by the Applicant through the B-Permit process of the Bureau of Engineering (BOE), or through payment of a one-time fixed fee of \$100,000 to LADOT to fund the cost of the upgrades.

- If LADOT selects the payment option, then the Applicant shall pay \$100,000 to LADOT, and LADOT shall design and construct the upgrades.
- If the upgrades are implemented by the Applicant through the B-Permit process, then these TSM improvements shall be guaranteed prior to the issuance of any building permit and completed prior to the issuance of any certificate of occupancy. Temporary certificates of occupancy may be granted in the events of any delay through no fault of the Applicant, provided that, in each case, the Applicant has demonstrated reasonable efforts and due diligence to the satisfaction of LADOT.

### ***Finding***

Pursuant to Public Resources Code, section 21081(a)(1), the City finds that changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid these significant effects on the environment.

### ***Rationale for Finding***

The Transportation Study provides a discussion of the feasible mitigation measures for reducing Project impacts and recommends mitigation measures to reduce significant intersection impacts to less than significant levels. The Transportation Study evaluated the feasibility and effectiveness of three types of mitigation: physical improvements, transportation system management measures and trip reductions measures (i.e., TDMs).

The Transportation Study concluded that no physical improvements were feasible within the Project's dense urban area. Re-stripping traffic lanes and/or adding traffic lanes to modify intersection lane configurations, roadway widenings, or potential changes to signal timing and phasing roadway widenings are not feasible due to the lack of available right-of-way. Also, lane re-stripping is generally not feasible as it would result in inadequate lane widths; and signal timing/phasing changes are generally not feasible as they would worsen rather than improve intersection operations or potentially cause other problems and/or impacts elsewhere. Furthermore, roadway widening at the expense of narrower sidewalks, or additional traffic lanes at the expense of pedestrian crossing convenience are not consistent with City goals to achieve a balance in the provision of vehicular, transit, and pedestrian traffic.

Potential improvements in the movement of vehicles through the roadway system can be provided through improvements to the City's ATSAC/ATCS traffic signal control system that controls the efficiency of traffic movement. Upgrades to make the system more efficient include improved traffic signal controllers, closed-circuit television (CCTV) cameras that provide visual information to the City's ATSAC Traffic Control Center, and system detection loops at key intersections to provide real-time information to the City's ATSAC Traffic Control Center. LADOT has determined that when implemented, these traffic system management improvements increase the capacity of intersections along corridors in the system by 1 percent (0.01 improvement in the V/C ratio).

Trip reduction measures also improve traffic flow, transit service, pedestrian circulation, and overall mobility by reducing the number of trips associated with individual automobiles and converting those trips to alternative modes of transportation. A range of trip reduction measures were considered for the preparation of a TDM program for the Project. In conjunction with LADOT, a review of research indicates such measures can reduce vehicle trips by 5 percent to over 20 percent, and it was therefore conservatively estimated that the set of recommended measures identified for this Project could reduce the overall number of vehicle trips generated by the Project by approximately 15 percent.

Accordingly, the mitigation measures proposed to reduce the Project's future baseline significant impacts include implementation of transportation demand reduction measures and provisions for signalization improvements (support for the City's ATSAC/ATCS traffic control systems).

The results of the mitigation program are summarized in Table IV.M-6, *Future with Project with Mitigation Conditions - Intersection Level of Service*, of the Draft EIR, for the morning and afternoon peak hours at the intersections that were identified above as having potentially significant impacts. As indicated in Table IV.M-6, the implementation of the mitigation measures would reduce potentially significant impacts to less than significant levels.

## **Reference**

For a complete discussion of transportation impacts associated with level of service intersection impacts, see Chapter IV.M, Transportation and Traffic, of the Draft EIR, pages IV.M-38 – IV.M-46, IV.M-56 – IV.M-63, Appendix N, Transportation and Traffic, of the Draft EIR, and Chapter 2, Response to Comments, of the Final EIR (pages 2-6 – 2-17).

## **6. SIGNIFICANT AND UNAVOIDABLE IMPACTS**

The Final EIR determined that the environmental impacts set forth below are significant and unavoidable. In order to approve the project with significant unmitigated impacts, the City is required to adopt a Statement of Overriding Considerations, which is set forth in Section 9 below. No additional environmental impacts other than those identified below will have a significant effect or result in a substantial or potentially substantial adverse effect on the environment as a result of the construction or operation of the project. The City finds and determines that:

- a) All significant environmental impacts that can be feasibly avoided have been eliminated, or substantially lessened through implementation of the project design features and/or mitigation measures; and
- b) Based on the Final EIR, the Statement of Overriding Considerations set forth below, and other documents and information in the record with respect to the construction and operation of the project, all remaining unavoidable significant impacts, as set forth in these findings, are overridden

by the benefits of the project as described in the Statement of Overriding Considerations for the construction and operation of the project and implementing actions.

## **CONSTRUCTION NOISE**

### ***Impact Summary***

#### ***On-Site Construction Noise – Project-level***

Construction of the Project would generate unmitigated construction noise levels that would temporarily exceed the applicable significance thresholds at off-site noise-sensitive receptor property lines (including the two adjacent multi-family residential sites, located immediately west and north of the Project Site, Receptor Sites R1 and R2). Mitigation measures would require the placement of noise barriers between active construction sites and off-site uses and would further require the use of proper construction equipment noise shielding and muffling devices during construction activities. However, residual temporary significant construction noise impacts would remain after mitigation.

Construction of the Project would require the use of heavy equipment during demolition, grading, and excavation activities at the Project Site. During each stage of development, a variety of equipment would be used. As such, construction activity noise levels on and near the Project Site would fluctuate depending on the type, number, and duration of use of various pieces of construction equipment operating at a given time. The maximum unmitigated construction noise levels would be generated when the specified construction activity would be occurring at the location closest to the off-site noise-sensitive receptor property lines. As shown in Table IV.J-9 of the Draft EIR, unmitigated construction noise levels were estimated to reach a maximum of 98 dBA Leq during site preparation at the off-site noise sensitive receptor property lines to the north (R1) of the Project Site and of 91 dBA Leq during site preparation at the off-site residences to the west (R2) of the Project Site. These unmitigated construction noise levels would exceed the 74 dBA Leq significance threshold at receptor location R1 and the 75 dBA Leq significance threshold at receptor location R2 (daytime noise levels shown in Table IV.J-3, plus 5 dBA). As site preparation activities, as well as other construction activities, are completed near the Project Site boundary, and construction activities move toward the interior of the Project Site farther from the Project Site boundary, the construction noise levels at these noise-sensitive residential property lines would decrease accordingly. As shown in Table IV.J-9, the maximum unmitigated construction noise levels generated by Project construction would not exceed the threshold levels at any of the other noise-sensitive receptor locations.

Construction of the Project would generate unmitigated construction noise levels that would temporarily exceed the applicable significance thresholds at off-site noise-sensitive receptor property lines. Therefore, Project construction would result in the exposure of persons to or generation of noise levels in excess of the City's noise standards, and construction noise impacts would be potentially significant prior to mitigation.

#### ***Off-Site Construction Noise – Project-level***

As shown in Table IV.J-10 of the Draft EIR, construction traffic noise levels generated by construction-related traffic would increase existing traffic noise levels by up to 2.9 dBA along 17th Street. The noise level increase along other street segments, including Olive Street, would be less than 2.9 dBA. These noise level increases would be below the applicable significance threshold of 5 dBA. Construction traffic noise levels generated by construction-related traffic during all other phases of Project construction would be less than the value shown in Table IV.J-10 primarily because there would be fewer trucks on an hourly or daily basis. Accordingly, off-site Project construction activities and related construction-related traffic would not result in the exposure of persons to or generation of noise levels in excess of significance thresholds. Impacts would

be less than significant, and no mitigation measures are required.

### ***Construction Noise - Cumulative***

If construction of the Project were to proceed simultaneously with any of Related Project No. 10, Related Project No. 18, Related Project No. 143, Related Project No. 190, Related Project No. 191, and the transportation improvement related projects, Related Project No. 193 and Related Project No. 194, the related projects could potentially contribute to cumulative construction noise impacts on the affected noise sensitive receptors (R1, R2, R6, and R8, as described above).

If simultaneous construction of the Project with one or more of these seven related projects were to occur, the cumulative construction site noise levels would occur on an intermittent and temporary basis, and the noise from each related project would cease at the end of the construction phase of each project. In addition, each project would be required to comply with time restrictions and other relevant provisions of the LAMC. Noise associated with construction activities would be reduced to the degree reasonably and technically feasible through proposed mitigation measures for each individual project and compliance with the City's noise ordinances. However, such measures would only reduce noise to a degree that is technically feasible, and potentially significant residual noise levels could remain. Therefore, cumulative construction noise impacts would be potentially significant prior to mitigation.

### ***Project Design Features***

**NOISE-PDF-1:** The Project will not use impact pile drivers and will not allow blasting during construction activities.

**NOISE-PDF-2:** Signs will be posted at Project truck loading areas prohibiting idling for more than 5 consecutive minutes.

**NOISE-PDF-3: Amplified** sound in outdoor open space areas on the site shall be prohibited.

See also **AES-PDF-2** which provide noise shielding of the noise from the Project's parking structure.

### ***Mitigation Measures***

**NOISE-MM-1:** The Project shall provide temporary ground-level construction fencing equipped with noise blankets rated to achieve sound level reductions of at least 10 dBA between the Project Site and the ground-level noise sensitive receptors at sensitive receptor locations R1 (mixed-use residential north of the Project Site) and R2 (mixed-use residential west of the Project Site). These temporary noise barriers shall be used to block the line-of-sight between the construction equipment and the noise-sensitive receptors during early Project construction phases (up to the start of framing) when the use of noisy heavy equipment such as concrete saws, crawler tractors, and drill rigs, is prevalent.

Noise barriers shall be heavy-duty materials such as vinyl-coated polyester (VCP), at least 10 ounces per square yard and quilted for sound absorption, or other similarly effective materials. All noise barrier material types are equally effective, acoustically, if they have this density. The noise barrier shall have a minimum sound transmission class (STC) of 25 and noise reduction coefficient (NRC) of 0.75 or equivalent STC and NRC to achieve the 10-dBA reduction. STC is an integer rating of how well a wall attenuates airborne sound and NRC is a scalar representation of the amount of sound energy absorbed upon striking a wall.

**NOISE-MM-2:** During framing and vertical building construction, the Project shall provide temporary flexible noise curtains or noise blankets along the Project's vertical structures rated to achieve sound level reductions of at least 10 dBA to block the line-of-sight between noise producing equipment and the adjacent residential land uses at sensitive receptor locations R1 (mixed-use residential north of the Project Site) and R2 (mixed-use residential west of the Project Site), where the use of such noise curtains or noise blankets would not interfere with the safety, integrity, and necessary construction activities of framing and vertical building construction.

**NOISE-MM-3:** Contractors shall ensure that all construction equipment, fixed or mobile, are equipped with properly operating and maintained noise shielding and muffling devices, consistent with manufacturers' standards. The contractor shall use muffler systems (e.g. absorptive mufflers) that provide a minimum reduction of 8 dBA compared to the same equipment without an installed muffler system, reducing maximum construction noise levels.

**NOISE-MM-4:** The operation of construction equipment that generates high levels of vibration, such as large bulldozers and loaded trucks, shall be prohibited within 80 feet of the property lines of existing residential uses adjacent to the Project Site. Instead, rubber-tired equipment not exceeding 400 horsepower shall be used in these areas during demolition, grading, and excavation operations within 80 feet from the sensitive receptor locations R1 (mixed-use residential north of the Project Site) and R2 (mixed-use residential west of the Project Site).

### ***Finding***

Pursuant to Public Resources Code, section 21081(a)(1), the City finds that changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid these significant effects. However, these impacts have not been reduced to less than significant levels.

Pursuant to Public Resources Code, section 21081(a)(3), the City also finds that specific economic, legal, social, technological, other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the EIR. See the Statement of Overriding Considerations, set forth in Section 9 below.

### ***Rationale for Finding***

#### **Construction Noise**

Regarding the finding from Public Resources Code, section 21081(a)(1), Mitigation measure NOISE-MM-1 would require the installation of temporary noise barriers during construction and would provide at least a 10 dBA noise reduction from Project construction for ground-level noise sensitive receptors at locations R1, R2, R6 and R8. Mitigation measure NOISE-MM-2 would require temporary flexible noise curtains or noise blankets along the Project's vertical structures during construction and would provide at least a 10 dBA noise reduction from noise-generating activities from inside the Project's vertical structures. However, these measures may not be effective at reducing noise at all of the upper floors of the noise sensitive receptors at R1, R2, R6, and R8. Implementation of mitigation measure NOISE-MM-3 would reduce noise levels from construction equipment by requiring additional noise shielding and buffering devices for the construction equipment. However, even when added to the effects of NOISE-MM-1 and NOISE-MM-2, this would not reduce the construction noise impacts to a less than significant level. In addition, NOISE-MM-4 would require a construction relations officer to serve as a liaison to address community concerns regarding construction noise.

Construction noise levels after implementation of mitigation at noise sensitive receptor locations are shown in Table IV.J-16, *Mitigated Construction Noise Levels at Sensitive Receptor Locations* in the Draft EIR. As shown in Table IV.J-16, construction noise would still periodically exceed the LAMC standard of 74 dBA  $L_{eq}$  at sensitive receptor location R1 and of 75 dBA  $L_{eq}$  at sensitive receptor location R2 during different construction activities. Therefore, the Project's construction noise impacts, although temporary, would be significant and unavoidable after mitigation.

Regarding the findings from Public Resources Code, section 21081(a)(3), there are no additional feasible measures to further reduce the temporary construction noise impacts to below the significance criteria. It is not technically feasible to implement noise barriers or barriers since noise sensitive receptors at sensitive receptor locations R1 and R2 are located 20 feet or more above ground levels. It is not feasible for the Project to restrict the use of all construction equipment near the Project Site boundary since these areas must be graded, paved, or otherwise improved to implement the Project. For similar reasons, cumulative construction noise impacts at receptor locations R6 and R8 would also be significant. Therefore, construction noise impacts would remain temporarily significant and unavoidable during periods of construction.

In addition, while construction noise impacts would be significant and unavoidable, construction noise levels fluctuate throughout a given workday as construction equipment move from one location to another within a Project Site. When construction equipment would be in use further away from a sensitive receptor location, construction noise level would be lower than the calculated values provided, which assume construction equipment would be in use nearest to a sensitive receptor location. Exposure to fluctuating construction noise levels that would at times be lower than the noise levels shown in this assessment would not rise to the level that would result in hearing loss. The significant construction noise increase on a cumulative or Project-specific basis would not be expected to result in adverse health impacts.

Similarly, for cumulative construction noise impacts, noise associated with construction activities would be reduced to the degree reasonably and technically feasible through proposed mitigation measures for each individual project and compliance with the City's noise ordinances. However, such measures would only reduce noise to a degree that is technically feasible, and significant residual noise levels could remain. Therefore, even with implementation of proposed design features and mitigation measures, if nearby related projects were constructed concurrently with the Project, the Project could potentially contribute to significant and unavoidable cumulative construction noise impacts at noise sensitive receptors near to the Project Site, as represented by sensitive receptor locations R1, R2, R6 and R8.

### **Reference**

For a complete discussion of noise impacts associated with construction noise and vibration, see Chapter IV.J, Noise, of the Draft EIR, pages IV.J-30 – IV.J-37, IV.J-65 – IV.J-71, and Appendix K, Noise and Vibration, of the Draft EIR.

## **7. ALTERNATIVES TO THE PROJECT**

CEQA requires that an EIR analyze a reasonable range of feasible alternatives that could substantially reduce or avoid the significant impacts of a project while also meeting the project's basic objectives. An EIR must identify ways to substantially reduce or avoid the significant effects that a project may have on the environment (Public Resources Code Section 21002.1). Accordingly, the discussion of alternatives shall focus on alternatives to a project or its location which are capable of avoiding or substantially reducing any significant effects of the project, even if these alternatives would impede to some degree the attainment of

the project objectives, or would be more costly. The alternative analysis included in the Draft EIR, therefore, identified a reasonable range of project alternatives focused on avoiding or substantially reducing the project's significant impacts.

### ***Summary of Findings***

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

### ***Project Objectives***

Section 15124(b) of the CEQA Guidelines states that a project description shall contain "a statement of the objectives sought by the proposed project." In addition, Section 15124(b) of the CEQA Guidelines further states that "the statement of objectives should include the underlying purpose of the project and may discuss the project benefits." As set forth by the CEQA Guidelines, the objectives that the Project seeks to achieve, and which serve as the underlying purpose of the Project, are as follows:

***Objective 1:*** Employ smart growth strategies and maximize the utilization of the Project Site with a Transfer of Floor Area Ratio (TFAR) to provide high-density, high-rise housing and public benefits in South Park with accessibility to existing infrastructure and alternative transportation modes in a High Quality Transit Area/Transit Priority Area.

***Objective 2:*** Provide infill housing in an employment rich, mixed-use area, improving the jobs/housing ratio of the Downtown area in accordance with state, regional and local laws and policies supporting the reduction of vehicle miles traveled (VMTs), air quality emissions, greenhouse gas (GHG) emissions, including, but not limited to Assembly Bill (AB) 32, Senate Bill (SB) 375, Southern California Association of Governments' (SCAG) 2016-2040 Regional Transportation Plan/Sustainable Communities Strategy (2016-2040 RTP/SCS), and the City of Los Angeles' Green New Deal.

***Objective 3:*** Develop a mixed-use development with ground floor retail, public art and a publicly accessible plaza that enhances the quality of the pedestrian environment and that supports connectivity to shopping, restaurants and the activities occurring at nearby cultural, commercial and entertainment venues, including LA LIVE, Staples Center, and the Convention Center.

***Objective 4:*** Further the General Plan Framework Element's goal of enhancing the livability of neighborhoods by building an architecturally significant high-rise development in the South Park neighborhood that provides innovative design elements and distinctive architectural features, such as tower open space cut-outs, that will upgrade the quality of development and the visual character of the South Park neighborhood and that will add another interesting landmark feature to the developing Downtown skyline.

***Objective 5:*** Create an environmentally sensitive development by incorporating sustainable and green building design and construction to promote resource conservation, including waste reduction, efficient water management techniques, and conservation of energy to achieve Leadership in Energy and Environmental Design (LEED) Gold certification.



**Objective 6:** Construct an economically viable development that provides short- and long-term employment opportunities, tax revenue for the City, and a substantial investment in Los Angeles.

### ***Alternatives Analyzed***

As shown in Chapter IV, Environmental Analyses, of the Draft EIR, the Project would not have significant long-term impacts due to Project operations that would require consideration of alternatives that would reduce such impacts. However, the Project, on a Project-level and cumulative basis, would have intermittent short-term significant noise impacts during the Project's construction phase that cannot be avoided through feasible control measures. Accordingly, in addition to the No Project Alternative that is required by the State CEQA Guidelines, two additional build alternatives were evaluated that would reduce the level of the Project's significant short-term construction noise impact. The two build alternatives would also reduce the Project's non-significant impacts.

The following three alternatives were selected for detailed analysis, as discussed further below:

**Alternative 1. No Project/No Build - Existing Buildings with Increased Utilization Program.** Under this Alternative, the Project would not be developed, and utilization of the existing buildings on the Project Site would be increased with more intensive businesses.

**Alternative 2. Reduced Density - FAR of 6:1 (No TFAR).** Alternative 2 would reduce residential units from 794 units to 300 units, but the ground-level commercial uses would be similar at 12,504 square feet of retail/restaurant uses.

**Alternative 3. Reduced Density – Increased Commercial Use with Senior Housing. FAR of 6:1 (No TFAR).** Alternative 3 would provide increased commercial uses at the ground level, with 25,000 square feet of retail/restaurant uses in contrast to the Project's 12,504 square feet and would also include 315 Senior Housing units.

## **ALTERNATIVE 1 - NO PROJECT/NO BUILD**

### ***Description of Alternative***

**Alternative 1. No Project/No Build - Existing Buildings with Increased Utilization Program.**

Alternative 1 is included pursuant to Section 15126.6(e) of the State CEQA Guidelines to allow decision makers to compare the impacts of approving a proposed project with the impacts in the foreseeable future of not approving that project. Under this Alternative, the Project would not be developed, and utilization of the existing buildings on the Project Site would be increased with more intensive businesses, similar to other street-level store fronts in the Project Site vicinity.

### ***Impact Summary***

With this Alternative, all of the environmental impacts projected to occur from development of the Project would be avoided. Thus, Alternative 1 would be considered to be the environmentally superior alternative because it is the only Alternative that would avoid the Project's significant construction noise impact. Further, Alternative 1 would generally have lower impacts regarding the other environmental topics.

### ***Finding***

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

### ***Rationale for Finding***

Although the No Project Alternative would have fewer impacts than the Project, the City finds that it would only partially satisfy one of the Project Objectives (Objective 3) by allowing for the continued street-level commercial use, although it would not include pedestrian enhancements. The Alternative would not meet any of the other Project Objectives. In addition, this Alternative would not provide certain benefits associated with the Project, including the development of additional housing units, creation of new employment opportunities, enhancement of the property and community, or implementation of energy efficiency, energy conservation, or water quality measures. Therefore, the City finds that specific economic, legal, social, policy, and employment considerations make the alternative infeasible and less desirable than the Project and warrant rejection of this Alternative.

### ***Reference***

For a complete discussion of impacts associated with Alternative 1, see Chapter V, Alternatives, of the Draft EIR.

## **ALTERNATIVE 2 – REDUCED DENSITY**

### ***Description of Alternative***

#### ***Alternative 2. Reduced Density - FAR of 6:1 (No TFAR).***

Alternative 2 would provide the same uses as the Project in a configuration similar to that of the Project, with a residential tower located atop a podium with residential units and parking above street-level commercial uses. The Alternative includes five levels of parking, including four levels in the podium below the residential units and one subterranean level. The number of residential units would be reduced from 794 units to 300 units, but the ground-level commercial uses would be similar at 12,504 square feet of retail/restaurant uses. The Alternative would not exercise the purchase of development rights from a donor site through the application of TFAR provisions. The Alternative would have a FAR of 6:1 in contrast to the Project's FAR of 13:1.

### ***Impact Summary***

Construction of Alternative 2 would involve the same construction activities as the Project, but would involve less construction overall than would the Project, resulting in a shorter construction schedule and the generation of fewer air pollutant emissions, as well as a decrease in the number of days in which the mitigatable construction vibration impact and the significant construction noise impact can occur. However, the construction noise impact would remain significant and unavoidable.

In addition, Alternative 2, with only one level of subterranean parking, would decrease the amount and depth of excavation and grading activities, and therefore potential impacts on historic, archaeological, and paleontological resources under Alternative 2 would be less than under the Project.

Since Alternative 2 would have fewer residential units, it would also reduce the Project's operational impacts related to emissions, energy, population, housing, public services, traffic, utilities, water supply, and solid waste. Other impacts for Alternative 2 would generally be similar to the Project's impacts.

### ***Finding***

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

### ***Rationale for Finding***

Alternative 2 would not include a TFAR that enables the Project to provide the density, and particularly the floor area, to support a high-level of residential density in Downtown Los Angeles, as encouraged by goals and policies established by SCAG and the City for focusing density in High Quality Transit Areas (HQTAs) and Transit Priority Areas (TPAs). Providing increased density in transit-rich areas supports other policy objectives to reduce VMT with associated reductions in GHG and air pollutant emissions, to improve the current jobs/housing balance, and to maximize the use of existing and planned transit and utility infrastructure. Alternative 2's reduced scope would also result in a smaller economic investment and fewer number of prevailing-wage construction jobs.

At the same time, Alternative 2 would continue to have a similar significant and unavoidable construction noise impact. Otherwise, Alternative 2's reduced scope would result in reduced or similar impacts as compared to those of the Project; however, it would not provide the same reductions or efficiencies regarding impacts involving smart-growth strategies for high-density infill development near transit that the Project would provide. Further, the City finds that Alternative 2 would only meet one objective (Objective 3) and would only partially meet the other Project objectives (Objectives 1, 2, 4, 5, 6). Therefore, the City finds that specific economic, legal, social, policy, and employment considerations make the alternative infeasible and warrant rejection of this Alternative.

### ***Reference***

For a complete discussion of impacts associated with Alternative 2, see Chapter V, Alternatives, of the Draft EIR.

## **ALTERNATIVE 3 – REDUCED DENSITY & INCREASED COMMERCIAL**

### ***Description of Alternative***

***Alternative 3. Reduced Density – Increased Commercial Use with Senior Housing. FAR of 6:1 (No TFAR).***

Alternative 3 would provide increased commercial uses at the ground level, with 25,000 square feet of retail/restaurant uses in contrast to the Project's 12,504 square feet. This Alternative would also include 315 Senior Housing units. The residential units would be included in a twelve-story building with nine residential stories above one ground level of commercial activity and two aboveground parking levels. The Alternative would also include three subterranean parking levels. The Alternative would not exercise the purchase of development rights from a donor site through the application of TFAR provisions. The Alternative would have a FAR of 6:1 in contrast to the Project's FAR of 13:1.

### ***Impact Summary***

The amount of development would be substantially reduced (by 67%) under Alternative 3 as compared to the Project. Construction of Alternative 2 would involve the same construction activities as the Project, but would involve less construction overall than would the Project, resulting in a shorter construction schedule and the generation of fewer air pollutant emissions, as well as a decrease in the number of days in which the mitigatable construction vibration impact and the significant construction noise impact can occur. However, the construction noise impact would remain significant and unavoidable.

In addition, Alternative 3, would require three levels of subterranean parking and would decrease the amount and depth of excavation and grading activities, and therefore potential impacts on historic, archaeological, and paleontological resources under Alternative 3 would be less than under the Project.

Since Alternative 3 would generally be reduced in scope as compared to the Project (with fewer residential units, but increased commercial space), it would also reduce the Project's operational impacts related to emissions, energy, population, housing, public services, traffic, utilities, water supply, and solid waste. Specifically, it would no longer require mitigation for any traffic impacts, as no intersections would be significantly impacted. Other impacts for Alternative 3 would generally be similar to the Project's impacts.

### ***Finding***

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

### ***Rationale for Finding***

Alternative 3 would also not include a TFAR that enables the Project to provide the density, and particularly the floor area, to support a high-level of residential density in Downtown Los Angeles, as encouraged by goals and policies established by SCAG and the City for focusing density in High Quality Transit Areas (HQTAs) and Transit Priority Areas (TPAs). Providing increased density in transit-rich areas supports other policy objectives to reduce VMT with associated reductions in GHG and air pollutant emissions, to improve the current jobs/housing balance, and to maximize the use of existing and planned transit and utility infrastructure. Unlike the Project, Alternative 3 would not be an ELDP project. The much smaller size and nature of Alternative 3 would not produce as extensive an investment and high-quality jobs in California and it is unlikely that Alternative 3 would qualify under all of the criteria and requirements under Public Resources Code Sec. 21183 to be certified as an ELDP project. However, Alternative 3 would meet other City housing goals for a diversity of housing types by providing residential units for senior housing.

At the same time, Alternative 3 would continue to have the same significant and unavoidable noise impact during construction activities. Otherwise, Alternative 3's reduced scope would result in reduced or similar impacts as compared to those of the Project; however, it would not provide the same reductions or efficiencies regarding impacts involving smart-growth strategies for high-density infill development near transit that the Project would provide. Further, the City finds that Alternative 3 would only meet two objectives (Objectives 2, 3) and would only partially meet other Project objectives (Objectives 1, 5, 6), and would not meet the remaining objective (Objective 4). Therefore, the City finds that specific economic, legal, social, policy, and employment considerations make the alternative infeasible, less desirable than the Project, and warrant rejection of this Alternative.

**Reference**

For a complete discussion of impacts associated with Alternative 1, see Chapter V, Alternatives, of the Draft EIR.

**Alternatives Rejected as Infeasible**

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

***Off-Site Location***

The Project would not have significant long-term project-level impacts that would require consideration of an alternative site. Therefore, only an alternative site that would only potentially avoid the Project's short-term, intermittent, construction noise impact needs to be considered. To avoid the Project's significant construction noise impact, an alternative site would have to be found that is of comparable size to the Project Site and is located in an area identified as a High Quality Transit Area (HQTA) and/or a Transit Priority Area (TPA), but is not located adjacent to sensitive uses, and that would not result in new impacts as compared to those occurring at the Project Site. Such a Site is not readily available in the urban areas of Los Angeles. There is no evidence that moving to a nearby block would reduce impacts since it would potentially shift the significant short-term construction noise impacts to other sensitive receptors.

In addition, the property is under the ownership and control of the Project Applicant. Substantial resources have been invested to purchase the land, design the Project and conduct the environmental analyses for the Project at the current Project Site. Pursuing development of the Project at another location would present a financial loss previously invested by the Project Applicant, due to investments to date and those needed to design a new project and restart the entitlement process, without apparent benefit to the environment.

***Hotel Uses Alternative***

Development of a hotel use on the Project Site was considered but rejected. A hotel use would generate more automobile trips and would therefore create greater traffic and air quality impacts than the Project's residential development. Moreover, construction of a Hotel Use Alternative would likely create the same significant construction noise impact as the Project, because that impact is a result of the operation of construction equipment rather than the uses that would occur within the completed building. The maximum noise level on a given day of construction, which is the basis of the analysis, would be similar to that of the Project, as a hotel development would include excavation within a similar site area and a large massing of above-ground structure.

***Commercial/Office Uses Alternative***

Development of a commercial or office use on the Project Site was considered but rejected. The Project is consistent with the General Plan and zoning designations, which encourage high-density residential uses within a substantially residential-oriented community in South Park to support and complement the nearby regional entertainment, office, and business districts. Moreover, the Q condition that is part of the [Q]R5-4D-

O zoning only allows commercial uses up to a 2:1 FAR unless detailed findings are made that could potentially allow commercial uses up to a 6:1 FAR. As such, additional office space would be better suited further north within the business district, and a large shopping complex would not be in keeping with the mixed-use, ground level retail that is occurring in South Park. Furthermore, a commercial or office use would generate substantially more trips than the Project and would therefore create greater impacts for a similarly sized commercial project. In addition, the size and location of the Project Site is not conducive to the provision of major commercial activity because the Project Site is limited in size, located within the South Park residential neighborhood, and notably located adjacent to other existing residential developments. Also, development of commercial or office uses would require a notable amount of excavation and building size, adjacent to the same residential uses as the Project, and would therefore not avoid the Project's significant construction impact. As such, the Commercial/Office Uses Alternative would not achieve a reduction in the Project's impacts.

### ***Environmentally Superior Alternative***

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

A comparison of the impacts between the Project and the three Alternatives analyzed in the Draft EIR is presented in Table V-13, *Comparison of Impacts Between the Project and Each Alternative*. Of the alternatives analyzed in the Draft EIR, Alternative 1 would be considered to be the environmentally superior alternative because it is the only Alternative that would avoid the Project's significant construction noise impact. Further, Alternative 1 would generally have lower impacts regarding the other environmental topics.

However, because Alternative 1 is the No Project Alternative, the identification of an environmental superior alternative among the other alternatives is required. None of the remaining alternatives would reduce the Project's significant construction noise impact to a less than significant level. However, Alternative 2, with only one level of subterranean parking, would decrease the number of days in which the significant construction impact can occur, more so than would Alternative 3. In regard to traffic impacts, Alternative 3 would avoid the Project's pre-mitigation significant impacts during operation. Other impacts for Alternative 2 and Alternative 3 would generally be similar to one another and to the Project's impacts. Therefore, of the two Alternatives, Alternative 2 would be considered the environmentally superior alternative as it would have a greater effect in reducing the Project's significant construction noise impact and would reduce the Project's operational traffic impacts.

However, Alternative 2 would not include a TFAR that enables the Project to provide the density, and particularly the floor area, to support a high-level of residential density in Downtown Los Angeles, as encouraged by goals and policies established by SCAG and the City for focusing density in HQTAs and TPAs. Providing increased density in transit-rich areas supports other policy objectives to reduce VMT with associated reductions in GHG and air pollutant emissions, to improve the current jobs/housing balance, and to maximize the use of existing and planned transit and utility infrastructure. In sum, while Alternative 2 and Alternative 3 would have reduced impacts as compared to those of the Project, they would not provide the same reductions or efficiencies regarding impacts involving travel by passenger vehicles at the regional- and City-scale that the Project would provide. Further, Alternative 2 and Alternative 3 would not meet some of the Project Objectives and would only partially meet other objectives.

## 8. OTHER CEQA CONSIDERATIONS

### ***Significant Irreversible Environmental Changes***

Section 15126.2(c) of the CEQA Guidelines indicates that an EIR should evaluate any significant irreversible environmental changes that would occur should the proposed project be implemented. The types and level of development associated with the project would consume limited, slowly renewable, and non-renewable resources. This consumption would occur during construction of the project and would continue throughout its operational lifetime. Project development would require a commitment of resources that would include: (1) building materials, (2) fuel and operational materials/resources, and (3) the transportation of goods and people to and from the Project Site. Project construction would require the consumption of resources that are nonrenewable or may renew so slowly as to be considered nonrenewable. These resources would include the following construction supplies: certain types of lumber and other forest products; aggregate materials used in concrete and asphalt such as sand, gravel and stone; metals such as steel, copper, and lead; petrochemical construction materials such as plastics; and water. Furthermore, nonrenewable 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 continue to expend nonrenewable resources that are currently consumed within the City. These include energy resources such as electricity and natural gas, petroleum-based fuels required for vehicle-trips, fossil fuels, and water. Fossil fuels would represent the primary energy source associated with both construction and ongoing operation of the Project, and the existing, finite supplies of these natural resources would be incrementally reduced.

At the same time, the Project would contribute to a land use pattern that would reduce reliance on private automobiles and the consumption of non-renewable resources when considered in a larger context, by providing housing and commercial uses in the Downtown Los Angeles area in close proximity to cultural and entertainment, commercial, restaurant, and office activities and access to the regional transit. These factors would contribute to a land use pattern that is considered to reduce the consumption of non-renewable energy resources that are required for transportation.

Furthermore, the Project would be designed to comply with the State and City green building standards, including the Los Angeles Green Building Code, which builds upon and sets higher standards than those incorporated in the California Green Building Standard (CALGreen) Code. The Project would be constructed in compliance with the Title 24 and the CALGreen Code and incorporate various sustainability features. The Project would be implemented as an ELDP, achieve LEED Gold certification (or better) level, maximize of transit friendly features (resulting in a minimum 15 percent greater transportation efficiency), and achieve a 'Net-Zero' increase in carbon/ GHG emissions. The Project would achieve several objectives of the City, regional, and State plans for establishing a regional land use pattern that promotes sustainability.

The Project would support pedestrian activity in the downtown area and contribute to a land use pattern that reduces vehicle trips and air pollution by locating employment opportunities, restaurants and entertainment within walking distance and proximity to public transit. Further, the Project's bicycle parking and implementation of a Transportation Demand Management (TDM) Program, mitigation measure TRAF-MM-1, would encourage the use of alternative modes of transportation.

The Project's continued use of non-renewable resources would be on a relatively small scale and consistent with regional and local growth forecasts in the area, as well as State and local goals for reductions in the consumption of such resources. The loss of such resources would not be highly accelerated when

compared to existing conditions and such resources would not be used in a wasteful manner. The Project Site, itself, contains no energy resources or other natural resources that would be precluded from future use through Project implementation. The Project would contain no land use activities, or use of hazardous materials, that could cause accidents or spills that would contaminate nearby land or otherwise preclude such land from future uses. As further discussed in Section IV.D, *Energy* of the Draft EIR, the Project would not result in wasteful, inefficient, or unnecessary consumption of energy; or conflict with state/local plans for renewable energy or energy efficiency.

Since the consumption of resources for construction and operation would be dedicated to the Project Site, their consumption would be irreversible. Irretrievable commitment of limited, slowly renewable, and non-renewable resources would limit the availability of these resources and the Project Site for future generations or for other uses. While the availability of these resources is finite, their consumption, replenishment and use of alternative resources is accounted for in plans for future resource consumption.

Therefore, although irreversible environmental changes would result from the Project, such changes are concluded to be less than significant, and the limited use of nonrenewable resources that would be required by Project construction and operation is justified.

### ***Growth-Inducing Impacts***

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

#### ***Direct Growth (Population, Housing and Economic Growth)***

The Project would provide 794 residential units and approximately 12,504 square feet of neighborhood-serving commercial (restaurant/retail) uses. The Project would provide new housing and employment opportunities on an infill site located within the South Park neighborhood of the Central City Community Plan (Community Plan) Area and a City-identified Transit Priority Area (TPA) and SCAG-identified High Quality Transit Area (HQTAs). The Project would also contribute to the economy of the Downtown area and the region. The Project's new residential units would provide housing for an estimated 1,929 new residents and the development would provide on-site jobs for an estimated 49 net new employees. The Project would therefore contribute to bringing the jobs/housing ratio closer to balance by providing housing units in the Community Plan Area. The Project's mix of uses would be representative of the type of high-density and mixed-use development anticipated in Downtown Los Angeles and promoted in TPAs/HQTAs. As discussed in detail and concluded in Section IV.I, Land Use and Planning, and in Section IV.K, Population and Housing, of the Draft EIR, the Project's new housing and employment is within the range of development anticipated within, and is consistent with, the SCAG regional forecasts for the City. Accordingly, the Project would not result in unplanned growth.

#### ***Indirect Growth (Utility and Infrastructure Growth)***

The Project Site is located in a fully developed urbanized area that is served by existing infrastructure (e.g., roads and utilities), and community service facilities. The Project would not have indirect effects on growth through such mechanisms as the extension of roads and infrastructure, since the Project is an infill project



that would use the existing transportation and utility infrastructure to serve it. The Project's only off-site infrastructure improvements would consist of tie-ins to the existing utility main-lines already serving the Project Site area. The Project would not require the construction of off-site infrastructure that would provide additional infrastructure capacity for other future development. It would not open inaccessible sites to new development.

Therefore, the Project would not spur additional growth and would not eliminate impediments to growth. Consequently, the Project would not foster indirect growth-inducing impacts.

### ***Potential Secondary Effects***

Section 15126.4(a)(1)(D) of the State CEQA Guidelines requires that, if a mitigation measure would cause one or more significant effects in addition to those that would be caused by the project as proposed, the effects of the mitigation measure be discussed, but in less detail than the significant effects of the proposed project. In the analyses of the Project's impacts in Chapter IV, *Environmental Impact Analysis*, of this Draft EIR, mitigation measures are identified in several environmental areas where the Project's impacts would potentially be significant. The potential secondary effects that could occur as a result of implementing the identified mitigation measures are discussed below. For the reasons stated below, it is concluded that the Project's mitigation measures would not result in significant secondary impacts.

### ***Air Quality***

As discussed further in Section IV.B, *Air Quality*, of the Draft EIR, Air Quality Mitigation Measure MM-AQ-1 provides truck specifications and logistics procedures to be implemented during the one-day continuous concrete pour during the construction phase. This mitigation measure would reduce air quality emissions during the concrete pour without adding any new significant impacts to the physical environment that were not addressed in the Draft EIR.

### ***Biological Resources***

As discussed in the Initial Study prepared for the Project, located in Appendix A-2 of the Draft EIR, the removal of street trees due to implementation of the Project could potentially impact any nesting birds. Mitigation Measure MM-BIO-1 would require the Project Applicant to retain a qualified biologist approved by the City to prepare a nesting bird survey if any construction activities occur in the nesting season (February 15 to August 31). The survey must be conducted within 72 hours prior to the start of construction. If any nests are identified, an appropriate buffer, as determined by the biological monitor, must be delineated, flagged, and avoided to the extent feasible until the qualified biological monitor has verified that the young have fledged, or the nest has otherwise become inactive.

This mitigation measure requires specific procedures that provide for the surveying and protection of nesting bird species should they be encountered. The measure is site-specific, would not require the construction of new facilities and would not result in adverse secondary impacts within the Project Site or in the surrounding area.

### ***Cultural Resources***

As discussed further in Section IV.C, *Cultural Resources*, of the Draft EIR, Mitigation Measures CULT-MM-1 through CULT-MM-5 include measures to reduce potential impacts on cultural Resources. CULT-MM-1 through CULT-MM-4 address potential impacts to archaeological resources; and CULT-MM-5 addresses potential impacts pertaining to specifically the Zanja Madre.

These mitigation measures require specific construction procedures that provide for the monitoring of construction activity for potential resources, procedures for the protection and handling of resources should they be encountered, and final disposition of encountered resources. The mitigation measures are site-specific, would not require the construction of new facilities and would not result in adverse secondary impacts within the Project Site or in the surrounding area.

### ***Hazards and Hazardous Materials***

As discussed further in Section IV.G, *Hazards and Hazardous Materials*, Mitigation Measures HAZ-MM-1 and HAZ-MM-2 address impacts regarding the potential presence of hazardous materials and/or conditions on the Project Site. MM-HAZ-1 requires the Project Applicant to prepare a Soil Management Plan to establish procedures for appropriate handling, screening, and management of potentially impacted or impacted soils from historical operations that may be encountered at the Project Site during grading and excavation activities; and MM-HAZ-2 includes procedures for an assessment of potential Underground Storage Tanks and removal of such tanks if they are present. These mitigation measures would not require new construction that was not previously analyzed under other relevant sections (e.g., construction traffic, air quality and noise impacts) and would not result in adverse secondary impacts within the Project Site or in the surrounding area.

### ***Geology and Soils – Paleontological Resources***

As discussed further in Section IV.E, *Geology and Soils – Paleontological Resources*, of the Draft EIR, Mitigation Measures GEOL-MM-1 through GEOL-MM-4 include measures to reduce potential impacts on paleontological resources during Project excavation.

These mitigation measures require specific procedures that would be implemented during construction, and which would provide for the monitoring of construction activity to identify potential resources, procedures for the protection and handling of resources should they be encountered, and final disposition of encountered resources. The mitigation measures are site-specific, would not require the construction of new facilities and would not result in adverse secondary impacts within the Project Site or in the surrounding area.

### ***Noise***

As discussed further in Section IV.J, *Noise*, the Project would be required to implement mitigation measures NOISE-MM-1 through NOISE-MM-6 to reduce the effects of construction noise and vibration at off-site sensitive receptors. NOISE-MM-1 and NOISE-MM-2 require the use of noise barriers that would be incorporated into the Project's construction program as anticipated within the Draft EIR. NOISE-MM-3 requires that all construction equipment, fixed or mobile, be equipped with properly operating and maintained noise shielding and muffling devices, consistent with manufacturers' standards, that provide a minimum reduction of 8 dBA as compared to the same equipment without an installed muffler system. NOISE-MM-4 prohibits construction equipment generating high levels of vibration, such as large bulldozers and loaded trucks, from operating within 80 feet of the property lines of existing residential uses adjacent to the Project Site, and requires that rubber-tired equipment not exceeding 400 horsepower shall be used instead during demolition, grading, and excavation operations within 80 feet from sensitive receptor locations R1 and R2. NOISE-MM-5 requires the designation of a construction relations officer to serve as a liaison with the adjacent mixed-use developments to reduce vibration impacts, and NOISE-MM-6 requires posting at the Project Site of public information to help the public address concerns regarding noise violations. The implementation of these mitigation measures is intended to reduce noise and vibration impacts at the Project Site and at adjacent uses; construction equipment and vehicles subject to these mitigation measures have been analyzed in other various sections of the Draft EIR, including Section IV.B,

*Air Quality* and Section IV.M, *Transportation and Traffic*. No component of these mitigation measures would result in adverse secondary impacts.

### ***Transportation and Traffic***

As discussed further in Section IV.M, *Transportation and Traffic*, the Project would implement two mitigation measures to enhance traffic operations in the Project vicinity. TRAF-MM-1 would implement a Transportation Demand Management (TDM) Program to encourage the use of non-auto modes of transportation and reduce vehicle trips. This measure would be implemented primarily through the provision of on-site facilities and information programs, as well as financial support for off-site facilities such as bicycle facility improvements otherwise being implemented by the City. TRAF-MM-2 would provide funding for Transportation System Management (TSM) Improvements. The funding would support upgrades to the signalization system and enhance the flow of traffic operations. These measures would help to reduce vehicle miles traveled and the flow of traffic through nearby intersections; thereby providing environmental benefits. Neither would require new construction activity. These mitigation measures would not result in adverse secondary impacts.

## **9. STATEMENT OF OVERRIDING CONSIDERATIONS**

The EIR identifies unavoidable significant impacts that would result from implementation of the Project. Section 21081 of the California Public Resources Code and Section 15093(b) of the CEQA Guidelines provide that when a decision of a public agency allows the occurrence of significant impacts that are identified in the EIR, but are not at least substantially mitigated to an insignificant level or eliminated, the lead agency must state in writing the reasons to support its action based on the EIR and/or other information in the record. The State CEQA Guidelines require, pursuant to CEQA Guidelines Section 15093(b), that the decision-maker adopt a Statement of Overriding Considerations at the time of approval of a project if it finds that significant adverse environmental effects have been identified in the EIR that cannot be substantially mitigated to an insignificant level or be eliminated. These findings and the Statement of Overriding Considerations are based on the documents and materials that constitute the record of proceedings, including, but not limited to, the Final EIR and all technical appendices attached thereto.

Based on the analysis provided in Section IV.J, Noise, of the Draft EIR, implementation of the Project would result in significant impacts that cannot be feasibly mitigated with respect to temporary construction noise.

Accordingly, the City adopts the following Statement of Overriding Considerations. The City recognizes that significant and unavoidable impacts would result from implementation of the Project. Having (i) adopted all feasible mitigation measures, (ii) rejected as infeasible the alternatives to the project discussed above, (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, outweigh and override the significant unavoidable impacts relating to on-site construction noise impacts.

As described further below, this Project is being proposed, notwithstanding its significant and unavoidable construction noise impact, because the Project would provide a mixed-use high-rise development with residential units, neighborhood serving commercial (i.e., restaurant/retail) uses, and open space, including a ground-level public plaza, consistent with City policies regarding development of the South Park District in the Central City Community Plan Area, without creating any long-term project-level significant impacts on the environment. The Project's sole project-level significant impact is a short-term, temporary construction noise impact that is commonly unavoidable in highly developed urban areas. This short-term and temporary

significant construction noise impact would be reduced by the implementation of the recommended mitigation measures identified in Section IV.J, *Noise*, of the Draft EIR. However, the placement of noise barriers between the Project's construction and all of the adjacent residential units is not feasible due to the heights of the adjacent buildings and constraints regarding the location of development within the Project Site.

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

- **Site Redevelopment.** The Project would substantially improve the existing conditions on the Project Site, by transforming the site into a mixed-use residential high-rise, incorporating a pedestrian-oriented building design, providing a ground-level outdoor plaza and improved streetscape, increasing onsite landscaping, improving security and building lighting, and including architectural design that would enhance the aesthetic and character of the Project Site. In this respect, the Project is an opportunity to implement a redevelopment project strategically positioned in proximity to mass transit and central to existing shopping, restaurants and entertainment, and close to regional venues including LA LIVE, Staples Center, and the Los Angeles Convention Center.
- **Supports City's Housing Goals.** The City has an established mandate to develop 100,000 units of housing by 2021 and the Project provides a material benefit to the City accomplishing this goal by contributing 794 residential units. Hence, the Project is a substantial benefit for the City by significantly enhancing the stock of housing units in the Central City Community Plan area.
- **Employment and Tax Revenue.** The Project would provide over \$800 million in economic investment, as well as numerous construction jobs at prevailing wages and new permanent jobs, and would introduce new residents into the neighborhood to patronize local retail, services, and restaurants<sup>2</sup>. Moreover, the Project would provide economic benefits for the City as it would generate approximately \$1.4 million net new City revenues annually, such as sales tax, property tax and business tax revenues<sup>3</sup>. In addition, the Project would provide over \$11 million in Public Benefit Payments pursuant to the requirements of the City's Transfer of Floor Area Rights (TFAR) ordinance. Therefore, the Project has substantial and compelling financial and community benefits.
- **Sustainability.** The Project is a certified Environmental Leadership Development Project (ELDP) and will be consistent with the State's SB 375 plans and greenhouse gas emission (GHG) targets, the City's Green Building Code, and the City's Green New Deal (Sustainable City pLAn 2019). The Project incorporates sustainable and green building design and construction to promote resource conservation, including net-zero carbon and GHG emissions, electric-vehicle charging and water conservation

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<sup>2</sup> *Governor's Determination of Eligibility, Application for Environmental Leadership Development Project, Appendix G to the Draft EIR.*

<sup>3</sup> *Governor's Determination of Eligibility, Exhibit 5, 1045 Olive Street, Fiscal Impact and Economic Benefits Analysis, Appendix G to the Draft EIR*

measures in excess of Code requirements, achieving fifteen percent greater transportation efficiency, and incorporating sustainability measures to achieve Leadership in Energy and Environmental Design (LEED) Gold certification<sup>4</sup>.

- **Smart Growth.** The Project is consistent with the City's current and long-term planning visions for the Project Site. The City desires to locate density near mass transit to reduce environmental impacts and implement smart growth planning decisions. This strategy is particularly relevant to reduce traffic, air quality, greenhouse gas, and health impacts that are caused by vehicular travel. The Project is an infill site in close proximity to the Metro Pico Station, serving the Blue Line and Expo Line, and in the core of downtown Los Angeles. In these respects, the Project is consistent with planning goals and policies to improve the urban center, and results in a beneficial reduction in Vehicle Miles Travelled and related environmental and land use impacts.

## 10. GENERAL FINDINGS

1. The City, acting through the Department of City Planning, is the "Lead Agency" for the Project evaluated in the EIR. The City finds that the EIR was prepared in compliance with CEQA and the CEQA Guidelines. The City finds that it has independently reviewed and analyzed the EIR for the Project, that the Draft EIR which was circulated for public review reflected its independent judgment and that the Final EIR reflects the independent judgment of the City.
2. The EIR evaluated the following potential project and cumulative environmental impacts: aesthetics, air quality, cultural resources, geology and paleontological resources, greenhouse gas emissions, hazards, land use and planning, noise, population and housing, public services, parks and recreation, transportation and traffic, tribal resources, utilities and service systems, and energy, alternatives, and other CEQA considerations. Additionally, the EIR considered, in separate sections, Significant Irreversible Environmental Changes and Growth Inducing Impacts. The significant environmental impacts of the Project and the alternatives were identified in the EIR.
3. The City finds that the EIR provides objective information to assist the decision makers and the public at large in their consideration of the environmental consequences of the Project. The public review periods provided all interested jurisdictions, agencies, private organizations, and individuals the opportunity to submit comments regarding the Draft EIR. The Final EIR was prepared after the review periods and responds to comments made during the public review periods.
4. 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 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

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<sup>4</sup> *Governor's Certification Granting Streamlining for the 1045 Olive Street Project in the City of Los Angeles, Appendix G to the Draft EIR.*

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

6. The Final EIR documents changes to the Draft EIR. Having reviewed the information contained in the Draft EIR, the Final EIR, and the administrative record, as well as the requirements of CEQA and the CEQA Guidelines regarding recirculation of Draft EIRs, the City finds that there is no new significant impact, substantial increase in the severity of a previously disclosed impact, significant new information in the record of proceedings or other criteria under CEQA that would require additional recirculation of the Draft EIR, or that would require preparation of a supplemental or subsequent EIR. Specifically, the City finds that:
7. 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.
  - a. 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.
  - b. None of the information submitted after publication of the Final EIR, including testimony at the public hearings on the Project, constitutes significant new information or otherwise requires preparation of a supplemental or subsequent EIR. The City does not find this information and testimony to be credible evidence of a significant impact, a substantial increase in the severity of an impact disclosed in the Final EIR, or a feasible mitigation measure or alternative not included in the Final EIR.
  - c. The mitigation measures identified for the Project were included in the Draft EIR and Final EIR. 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 and revised in the MMP as adopted by the City serve that function. The MMP includes all of the mitigation measures and project design features adopted by the City in connection with the approval of the Project and has been designed to ensure compliance with such measures

during implementation of the Project. In accordance with CEQA, the MMP provides the means to ensure that the mitigation measures are fully enforceable. In accordance with the requirements of Public Resources Code § 21081.6, the City hereby adopts the MMP.

9. The custodian of the documents or other materials which constitute the record of proceedings upon which the City decision is based is the City of Los Angeles, Department of City Planning.
10. 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.
11. 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.
12. The EIR is a project EIR for purposes of environmental analysis of the Project. A project EIR examines the environmental effects of a specific project. The EIR serves as the primary environmental compliance document for entitlement decisions regarding the project by the City and the other regulatory jurisdictions.

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

In connection with the approval of Vesting Tentative Tract Map No. 74531-CN the Advisory Agency of the City of Los Angeles, pursuant to Sections 66473.1, 66474.60, .61 and .63 of the State of California Government Code (the Subdivision Map Act), makes the prescribed findings as follows:

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

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

Specifically, Los Angeles Municipal Code (LAMC) Section 17.06-B requires that the tract map be prepared by or under the direction of a licensed surveyor or registered civil engineer. The Vesting Tentative Tract Map was prepared by a Registered Professional Engineer and contains the required components, dimensions, areas, notes, legal description, ownership, applicant, and site address information as required by the LAMC. The Vesting Tract Map has been filed to merge and resubdivide an approximately 0.96-acre (41,603 gross square-foot) site into one master ground lot and 17 airspace lots for condominium purposes, for a maximum of 794 residential condominium units and up to 12,504 square feet of commercial space.

In addition to LAMC Section 17.06-B, Section 17.05-C requires that the vesting tentative tract map be designed in compliance with the zoning applicable to the Project Site. The General Plan, Specific Plans, and Zoning Code regulate, but are not limited to, the maximum permitted density, height, and the subdivision of land. The Project Site is located within the adopted Central City Community Plan area and is classified with the High Density Residential land use designation with the corresponding zone of R5. The site's [Q]R5-4D-O zoning is therefore appropriate for the land use designation. The Project Site is also located within the City Center Redevelopment Plan and is subject to the Downtown Design Guide. The General Plan, Redevelopment Plan, and Downtown Design Guide do not have direct provisions relating to requirements for subdivision maps, although the documents do contain goals and provisions addressing subdivision design and improvements, as discussed below. Applicable regulations from the zoning code relevant to subdivision maps require that lots in the R5 zone and Height District 4 (with D development regulations) have a minimum lot size of 5,000 square feet, a minimum lot width of 50 feet. The zoning does not restrict building height. In addition, the Greater Downtown Housing Incentive regulations of the zoning code do not limit residential density on the site. The proposed merger and resubdivision of the site into one master ground lot and 17 airspace lots for condominium purposes would be in consistent with these regulations. The project is consistent with the General Plan and demonstrates compliance with Sections 17.06 of the Los Angeles Municipal Code as well as with the intent and purpose of the General Plan, with regard to lot size, height, density and use.

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

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

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



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

Section 17.05-C of the Los Angeles Municipal Code enumerates design standards for Subdivisions and requires that each Tentative Map be designed in conformance with the Street Design Standards and in conformance to the General Plan. Section 17.05-C, third paragraph, further establishes that density calculations include the areas for residential use and areas designated for public uses, except for land set aside for street purposes ("net area"). However, since the site is located within the Greater Downtown Housing Incentive Area (GDHIA), that provision is superseded by the provisions of the GDHIA. The GDHIA allows for unlimited density and includes provisions that tract and parcel maps may include land set aside for street or alley purposes within the calculation of allowable floor area of a residential or mixed-use building. In addition, the LAMC Section 17.06-B and 17.15 lists the map requirements for a tentative tract map and vesting tentative tract map. The map provides the required components of a tentative tract map.

The Tract Map subdivision design includes the merger and resubdivision of the 0.96-acre site into one master ground lot and 17 airspace lots for condominium purposes for up to 794 residential condominiums and up to 12,504 square feet of commercial space.

The design and layout of the map is consistent with the design standards established by the Subdivision Map Act and Division of Land Regulations of the Los Angeles Municipal Code. Several public agencies (including the Bureau of Engineering, Bureau of Sanitation, Bureau of Street Lighting, Department of Building and Safety, Grading Division and Zoning Division, Bureau of Street Lighting, Fire Department, Department of Transportation, and Department of Recreation and Parks) have reviewed the map and found the subdivision design satisfactory and have imposed improvement requirements and/or conditions of approval. The Bureau of Engineering requires dedication and improvements to Olive Street, 11<sup>th</sup> Street, and an alleyway in accordance with the City's Street Standards. Sewers are available and have been inspected and deemed adequate in accommodating the proposed project's sewerage needs. Fire and traffic access, as well as site grading, have been reviewed and deemed appropriate. Additional traffic improvement or control measures for adjacent roadways and nearby intersections have been included for traffic and pedestrian safety.

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

Further, the Framework Element designates the property as within the Downtown Center which allows for floor area ratios of up to 13:1, and the project is designated for High Density Residential land uses, with a corresponding [Q]R5-4D-O Zone, which permits residential and limited commercial development subject to a minimum lot area of 5,000 square feet and minimum lot width of 50 feet. The tract map identifies the site and master ground lot as having a lot size of 37,172 square feet after dedication, with lot frontages of approximately 150 feet on 11<sup>th</sup> Street and 250 feet on Olive Street. The Project's design and airspace lot configurations provide for floor area consistent with the Downtown Center designation, and the Project's master ground lot provides a lot area and lot widths greater than the minimum. The zoning does not restrict building height or limit residential density on the site. The airspace lots are up to 900 feet in height and the

tract map allows for residential condominiums at a density of up to 794 units on the site and up to 12,504 square feet of commercial area. The subdivision design is consistent with the General Plan and demonstrates compliance with the General Plan, with regard to lot size and configuration, as well as other specific physical requirements in the plan relating to floor area, height, density and use.

Therefore, as conditioned, the design and improvement of the proposed subdivision is consistent with the intent and purpose of the applicable General Plan.

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

The subject property is located on a level, relatively flat, rectangular parcel, with Olive Street to the east, 11<sup>th</sup> Street to the south, a public alleyway and commercial and mixed-use buildings to the west, and mixed-use development to the north. The Project Site's easterly boundary has an approximately 250-foot frontage along Olive Street, its southerly boundary has an approximately 150-foot frontage along 11<sup>th</sup> Street, and its westerly boundary has an approximately 250-foot frontage along the public alleyway. The Project Site is located within a designated Methane Zone, is subject to additional fire hazard regulations as part of Fire District No. 1, is listed on a hazardous materials database, includes soil excavation, and is otherwise not located in any other hazard zones. The proposed type of development for the site would be a mixed-use high-rise with up to 794 residential condominiums and up to 12,504 square feet of commercial space.

The project site is located within a Methane Zone and would be subject to the requirements of the City Methane Requirements in Division 71 Section 91.7103 of the Los Angeles Municipal Code. Additional fire hazard regulations are required for the Project as part of Fire District No. 1. As stated in the EIR, through regulatory compliance and other federal, state, and local regulations, methane and fire related hazards from the project would result in a less than significant impact, and the site would be suitable for a mixed-use high-rise development.

The Project Site is also listed on the Hazardous Waste Information System (HAZNET) and FINDS Database for the historic use of halogenated solvents, photochemical/photo processing waste, and unspecified solvent mixtures uses. However, the database indicates no violations and a soil sampling analysis as part of a Phase I/II ESA tested under applicable screening levels. While subsurface soil and soil gas vapors have been tested under applicable screening levels, to avoid the risk of potentially impacted or impacted soils that may be encountered at the Project Site during deep excavation activities, Mitigation Measure, HAZ-MM-1 has been recommended to require preparation of a Soils Management Plan and will mitigate any potential impacts to less than significant levels. In addition, three small USTs were identified on a substructure map within the sidewalk along West 11th Street and South Olive Street adjacent to the Project Site. Earthwork that may occur in the vicinity of the potential tank locations may encounter the tanks and residual contamination or other hazardous chemicals. To avoid contact with, or release of, hazardous materials associated with removal of such potential USTs and related infrastructure, HAZ-MM-2 will ensure that hazards to public safety will be avoided and impacts will be reduced to a less than significant level. These hazards would therefore be fully addressed and would allow the site to be physically suitable for development.

The site is flat and is not located in a slope stability study area, high erosion hazard area, liquefaction zone, or Alquist-Priolo Fault Zone. The site is not subject to the Specific Plan for the Management of Flood Hazards (floodways, floodplains, mud prone areas, coastal high-hazard and flood-related erosion hazard areas). The Geotechnical report in the EIR indicates concludes that the proposed development on the site is feasible. According to the memo, dated March 28, 2018, from the Grading Division of the Department of Building and Safety, the requirements of the City of Los Angeles Building Code have been satisfied for the project. The Geotechnical report and tract map have also been approved contingent upon the incorporation

of the conditions outlined in the memo prior to the recordation of the map and issuance of any permits.

In addition, the environmental analysis conducted for the Project found that the tract map and development of the Project would not result in any significant impacts in terms of geological or seismic impacts, hazards and hazardous materials, and safety. In general, compliance with existing regulations, tract map conditions, and mitigation measures identified in the EIR ensure that proposed development could be feasibly and safely constructed and operated on the site. Therefore, the Project Site is physically suitable for the proposed type of development.

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

The General Plan identifies, through its Community and Specific Plans, geographic locations where planned and anticipated densities are permitted. Zoning applied to the sites throughout the city, are allocated based on the type of land use, physical suitability and future population growth expected to occur. The adopted Community Plan designates the subject site for High Density Residential land uses, which allows for multiple-family residential uses and limited commercial uses per Footnote 10 of The Community Plan (implemented through the Q conditions of the zone). The site is zoned [Q]R5-4D-O, and the corresponding Q conditions, multi-family residential zone, Height District 4 with Development Limitations, as well as applicable Greater Downtown Housing Incentive Regulations of the Municipal Code, permit unlimited residential density and generally limit commercial uses to a 2:1 floor area ratio on the Project Site. The site contains 37,172 square feet of land after dedication and proposes 794 residential condominium units and 12,504 square feet of commercial condominium space (a 0.33 FAR). Therefore, the project's proposed density is consistent with the general provisions and area requirements of the Planning and Zoning Code.

Surrounding uses are within the R5 and C2 zones and are generally developed with mid-rise to high-rise mixed-use buildings, older low-rise commercial structures, multi-family residential uses, commercial uses, warehouses, and surface parking lots. The subject site is a relatively flat, in-fill lot, in a substantially developed urban core area with adequate infrastructure. The area is easily accessible via improved streets, highways and transit systems. The environmental review conducted by the Department of City Planning (Case No. ENV-2016-4630-EIR, SCH No. 2017121047), establishes that the physical characteristics of the site and the proposed density of development are generally consistent with existing development and urban character of the surrounding community. Therefore, the Project Site is physically suitable for the proposed density of development.

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

The Project proposes an infill development within an area designated for high density residential and commercial uses within the Central City Community Plan area in the City of Los Angeles. The Tract Map subdivision design includes the merger and resubdivision of the 0.96-acre Project Site into one master lot and 17 airspace lots for condominium purposes. The proposed improvements include a 70-story mixed-use building with subterranean parking, ground-floor commercial uses and a plaza, and sidewalk extensions. The subdivision design and improvements are consistent with the existing urban development of the area. There are no habitat conservation plans or natural community conservation plans which presently govern any portion of the Project Site or vicinity. The environmental review for the Project concludes that the Project Site does not contain or support any known species identified as candidate, sensitive, or special status by local or regional plans, policies or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service. As noted in the EIR, there are numerous street trees adjacent to the Project Site that would be removed during the construction of the Project. The trees are not considered significant non-

protected trees. Regardless, the Project would replace the trees in accordance to the City's Street Tree Ordinance. However, the potential exists for protected bird species to be nesting in the street trees during Project construction. Regulatory compliance with the Migratory Bird Treaty Act and supplemental guidance for compliance with the Act provided in Mitigation Measure MM-1 of the Mitigation Monitoring Program (Exhibit B) will ensure that these improvements do not cause substantial environmental damage or substantially injure wildlife. Project impacts upon biological resources were determined to result in no impact or would be less than significant with mitigation measures. Therefore, the design of the subdivision would not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

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

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

The project is not located over a flood hazard area and is not located on unsuitable soil conditions. The Project Site is listed on the Hazardous Waste Information System (HAZNET) and FINDS Database for the historic use of halogenated solvents, photochemical/photo processing waste, and unspecified solvent mixtures uses. However, the database indicates no violations and a soil sampling analysis as part of a Phase I/II ESA tested under applicable screening levels. While subsurface soil and soil gas vapors have been tested under applicable screening levels, to avoid the risk of potentially impacted or impacted soils that may be encountered at the Project Site during deep excavation activities, Mitigation Measure, HAZ-MM-1 has been incorporated to require preparation of a Soils Management Plan and will mitigate any potential impacts to less than significant levels. In addition, three small USTs were identified on a substructure map within the sidewalk along West 11th Street and South Olive Street adjacent to the Project Site. Earthwork that may occur in the vicinity of the potential tank locations may encounter the tanks and residual contamination or other hazardous chemicals. To avoid contact with, or release of, hazardous materials associated with removal of such potential USTs and related infrastructure, implementation of HAZ-MM-2 will ensure that hazards to public safety will be avoided and impacts will be reduced to a less than significant level. These hazards would therefore be fully addressed and are not likely to cause serious public health problems.

In addition, the Bureau of Sanitation, Wastewater Collection System Division issued a letter dated December 4, 2017, stating that it reviewed the existing sewer and storm drain lines serving the tract, and determined that there will be no potential problems to these City structures or potential maintenance problems. The Environmental Impact Report (EIR) fully analyzed the impacts of both construction and operation of the project on the existing public utility and sewer systems, facilities and services and determined that impacts are less than significant. The development is required to be connected to the City's sanitary sewer system, where the sewage will be directed to the Hyperion Treatment Plant, which has been upgraded to meet Statewide ocean discharge standards. The 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. No adverse impacts to the public health or safety would occur as a result of the design and improvement of the site. Therefore, the design of the subdivision and the proposed improvements are not likely to cause serious public health problems.

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

## PROPERTY WITHIN THE PROPOSED SUBDIVISION.

There are no recorded instruments identifying easements encumbering the Project Site for the purpose of providing public access. The site is surrounded by private properties that adjoin improved public streets and sidewalks designed and improved for the specific purpose of providing public access throughout the area. In addition, the Bureau of Engineering did not indicate in its report dated May 9, 2017 that the proposed improvements would conflict with any easements. The majority of the Project Site is currently developed with five commercial buildings and limited surface parking and does not adjoin or provide access to a public resource, natural habitat, public park, or any officially recognized public recreation area. Therefore, the design of the subdivision and the proposed improvements would not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.

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

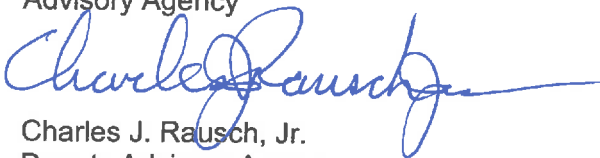
In assessing the feasibility of passive or natural heating or cooling opportunities in the proposed subdivision design, the applicant has prepared and submitted materials which consider the local climate, contours, configuration of the parcels to be subdivided and other design and improvement requirements.

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. 74531-CN.

VINCENT P. BERTONI, AICP  
Advisory Agency



Charles J. Rausch, Jr.  
Deputy Advisory Agency

CJR:DL:mz

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., 4<sup>th</sup> 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

West Los Angeles  
Development Service Center  
1828 Sawtelle Blvd., 2<sup>nd</sup> Floor  
Los Angeles, CA 90025  
310 231-2901

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

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

If you have any questions, please call Development Services Center staff at (213) 482-7077, (818) 374-5050, or (310) 231-2901.