From: Jason Chan <jason.chan@lacity.org>

Sent time: 09/01/2020 02:59:12 PM

To: Alan Como <alan.como@lacity.org>; Milena Zasadzien <Milena.Zasadzien@lacity.org>; Luciralia Ibarra <luciralia.ibarra@lacity.org>; Cecilia Lamas <cecilia.lamas@lacity.org>; Raoul Mendoza <raoul.mendoza@lacity.org>

Subject: Appeal of VTT-73718/ENV-2014-4706-EIR

Attachments: Appeal application_Signed.pdf VTT-73718 LOD (FINAL).pdf LosAngelesTenantsUnion_Appeal_VTT73718_ENV-2014-4706-EIR_FINAL.pdf

Good afternoon, an appeal was filed today for Case No. VTT-73718/ENV-2014-4706-EIR, project address is 1756, 1760 North Argyle; 6210-6224 West Yucca. The appeal body is the City Planning Commission. The last day to appeal is tomorrow, September 2.

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LOS ANGELES CITY PLANNING

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E-NEWS

APPLICATIONS:

APPEAL APPLICATION

Instructions and Checklist

Related Code Section: Refer to the City Planning case determination to identify the Zone Code section for the entitlement and the appeal procedure.

Purpose: This application is for the appeal of Department of City Planning determinations authorized by the Los Angeles Municipal Code (LAMC).

A. APPELLATE BODY/CASE INFORMATION

1. APPELLATE BODY

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

Regarding Case Number: VTT73718/ENV-2014-4706-EIR

Project Address: 1756, 1760 North Argyle; 6210-6224 West Yucca

Final Date to Appeal: 09/03/2020

2. APPELLANT

Appellant Identity: (check all that apply)
☐ Representative ☐ Property Owner
☐ Applicant ☐ Operator of the Use/Site

☑ Person, other than the Applicant, Owner or Operator claiming to be aggrieved
Los Angeles Tenants Union - Hollywood Local and the Yucca Argyle Tenants Association

☐ Person affected by the determination made by the **Department of Building and Safety**
☐ Representative ☐ Owner ☐ Aggrieved Party
☐ Applicant ☐ Operator

3. APPELLANT INFORMATION

Appellant's Name: Susan Hunter

Company/Organization: Los Angeles Tenants Union - Hollywood Local

Mailing Address: 6500 Sunset Blvd.

City: Los Angeles State: CA Zip: 90028

Telephone: (949) 295-0206 E-mail: heysuzhunter@gmail.com

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

☐ Self ☑ Other: Members of the Union and TA

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

4. REPRESENTATIVE/AGENT INFORMATION

Representative/Agent name (if applicable): _____

Company: _____

Mailing Address: _____

City: _____ State: _____. Zip: _____

Telephone: _____ E-mail: _____

5. JUSTIFICATION/REASON FOR APPEAL

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

b. Are specific conditions of approval being appealed? ☐ Yes ☐ No

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

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

☑ The reason for the appeal ☑ How you are aggrieved by the decision

☑ Specifically the points at issue ☑ Why you believe the decision-maker erred or abused their discretion

6. APPLICANT'S AFFIDAVIT

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

Appellant Signature: _____ Date: 9/1/2020

GENERAL APPEAL FILING REQUIREMENTS

B. ***ALL CASES REQUIRE THE FOLLOWING ITEMS - SEE THE ADDITIONAL INSTRUCTIONS FOR SPECIFIC CASE TYPES***

1. Appeal Documents

a. Three (3) sets - The following documents are required for each appeal filed (1 original and 2 duplicates) Each case being appealed is required to provide three (3) sets of the listed documents.

☑ Appeal Application (form CP-7769)
☑ Justification/Reason for Appeal
☑ Copies of Original Determination Letter

b. Electronic Copy

☐ Provide an electronic copy of your appeal documents on a flash drive (planning staff will upload materials during filing and return the flash drive to you) or a CD (which will remain in the file). The following items must be saved as individual PDFs and labeled accordingly (e.g. "Appeal Form.pdf", "Justification/Reason Statement.pdf", or "Original Determination Letter.pdf" etc.). No file should exceed 9.8 MB in size.

c. Appeal Fee

☐ Original Applicant - A fee equal to 85% of the original application fee, provide a copy of the original application receipt(s) to calculate the fee per LAMC Section 19.01B 1.

☑ Aggrieved Party - The fee charged shall be in accordance with the LAMC Section 19.01B 1.

d. Notice Requirement

☐ Mailing List - All appeals require noticing per the applicable LAMC section(s). Original Applicants must provide noticing per the LAMC

☐ Mailing Fee - The appeal notice mailing fee is paid by the project applicant, payment is made to the City Planning's mailing contractor (BTC), a copy of the receipt must be submitted as proof of payment.

SPECIFIC CASE TYPES - APPEAL FILING INFORMATION

C. DENSITY BONUS / TRANSIT ORIENTED COMMUNITES (TOC)

1. **Density Bonus/TOC**
   Appeal procedures for Density Bonus/TOC per LAMC Section 12.22.A 25 (g) f.

NOTE:
- Density Bonus/TOC cases, only the *on menu or additional incentives* items can be appealed.

- Appeals of Density Bonus/TOC cases can only be filed by adjacent owners or tenants (must have documentation), and always only appealable to the Citywide Planning Commission.

☐ Provide documentation to confirm adjacent owner or tenant status, i.e., a lease agreement, rent receipt, utility bill, property tax bill, ZIMAS, drivers license, bill statement etc.

D. WAIVER OF DEDICATION AND OR IMPROVEMENT

Appeal procedure for Waiver of Dedication or Improvement per LAMC Section 12.37 I.

NOTE:
- Waivers for By-Right Projects, can only be appealed by the owner.

- When a Waiver is on appeal and is part of a master land use application request or subdivider's statement for a project, the applicant may appeal pursuant to the procedures that governs the entitlement.

E. TENTATIVE TRACT/VESTING

1. **Tentative Tract/Vesting** - Appeal procedure for Tentative Tract / Vesting application per LAMC Section 17.54 A.

NOTE: Appeals to the City Council from a determination on a Tentative Tract (TT or VTT) by the Area or City Planning Commission must be filed within 10 days of the date of the written determination of said Commission.

☑ Provide a copy of the written determination letter from Commission.

F. BUILDING AND SAFETY DETERMINATION

☐ **1.** Appeal of the *Department of Building and Safety* determination, per LAMC 12.26 K 1, an appellant is considered the **Original Applicant** and must provide noticing and pay mailing fees.

a. Appeal Fee
☐ Original Applicant - The fee charged shall be in accordance with LAMC Section 19.01B 2, as stated in the Building and Safety determination letter, plus all surcharges. (the fee specified in Table 4-A, Section 98.0403.2 of the City of Los Angeles Building Code)

b. Notice Requirement
☐ Mailing Fee - The applicant must pay mailing fees to City Planning's mailing contractor (BTC) and submit a copy of receipt as proof of payment.

☐ **2.** Appeal of the *Director of City Planning* determination per LAMC Section 12.26 K 6, an applicant or any other aggrieved person may file an appeal, and is appealable to the Area Planning Commission or Citywide Planning Commission as noted in the determination.

a. Appeal Fee
☐ Original Applicant - The fee charged shall be in accordance with the LAMC Section 19.01 B 1 a.

b. Notice Requirement
☐ Mailing List - The appeal notification requirements per LAMC Section 12.26 K 7 apply.
☐ Mailing Fees - The appeal notice mailing fee is made to City Planning's mailing contractor (BTC), a copy of receipt must be submitted as proof of payment.

G. NUISANCE ABATEMENT

1. **Nuisance Abatement** - Appeal procedure for Nuisance Abatement per LAMC Section 12.27.1 C 4

NOTE:
- Nuisance Abatement is only appealable to the City Council.

a. Appeal Fee

☐ Aggrieved Party the fee charged shall be in accordance with the LAMC Section 19.01 B 1.

2. **Plan Approval/Compliance Review**
Appeal procedure for Nuisance Abatement Plan Approval/Compliance Review per LAMC Section 12.27.1 C 4.

a. Appeal Fee

☐ Compliance Review - The fee charged shall be in accordance with the LAMC Section 19.01 B.
☐ Modification - The fee shall be in accordance with the LAMC Section 19.01 B.

NOTES

A Certified Neighborhood Council (CNC) or a person identified as a member of a CNC or as representing the CNC may not file an appeal on behalf of the Neighborhood Council; persons affiliated with a CNC may only file as an individual on behalf of self.

***Please note** that the appellate body must act on your appeal within a time period specified in the Section(s) of the Los Angeles Municipal Code (LAMC) pertaining to the type of appeal being filed. The Department of City Planning will make its best efforts to have appeals scheduled prior to the appellate body's last day to act in order to provide due process to the appellant. If the appellate body is unable to come to a consensus or is unable to hear and consider the appeal prior to the last day to act, the appeal is automatically deemed denied, and the original decision will stand. The last day to act as defined in the LAMC may only be extended if formally agreed upon by the applicant.*

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

DEPARTMENT OF
CITY PLANNING
COMMISSION OFFICE
(213) 978-1300

CITY PLANNING COMMISSION
SAMANTHA MILLMAN
PRESIDENT
VAHID KHORSAND
VICE-PRESIDENT
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CAROLINE CHOE
HELEN LEUNG
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VERONICA PADILLA-CAMPOS
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DEPUTY DIRECTOR
ARTHI L. VARMA, AICP
DEPUTY DIRECTOR
LISA M. WEBBER, AICP
DEPUTY DIRECTOR
VACANT
DEPUTY DIRECTOR

Mailing Date: August 24, 2020

Appeal Period Ends: September 2, 2020

WL Yucca Argyle Owner A, LLC (O)
11620 Wilshire Boulevard, Ste. 1150
Los Angeles, CA 90025

Greg Beck (A)
Riley Realty LP
11620 Wilshire Boulevard, Ste. 1150
Los Angeles, CA 90025

Kyndra Casper (R)
DLA Piper, LLP
550 South Hope Street, Ste. 2400
Los Angeles, CA 90071

RE: Vesting Tentative Tract Map No.: 73718
Address: 1756, 1760 North Argyle Avenue; 6210-6224 West Yucca Street
Community Plan: Hollywood
Zone: C4-2D-SN, R4-2D, and [Q]R3-1XL
Council District: 13 – O'Farrell
CEQA No.: ENV-2014-4706-EIR

Pursuant to Sections 21082.1(c) and 21081.6 of the Public Resources Code, the Advisory Agency has reviewed and considered the information contained in the Environmental Impact Report prepared for this project, which includes the Draft EIR, ENV-2014-4706-EIR (State Clearinghouse House No. 2015111073), dated April 23, 2020, and the Final EIR, dated August 7, 2020 (6220 West Yucca Project EIR), as well as the whole of the administrative record, and

CERTIFIED the following:

1) The 6220 West Yucca Project EIR has been completed in compliance with the California Environmental Quality Act (CEQA);
2) The 6220 West Yucca Project EIR was presented to the Advisory Agency as a decision-making body of the lead agency; and
3) The 6220 West Yucca Project EIR reflects the independent judgment and analysis of the lead agency.

ADOPTED the following:

1) The related and prepared 6220 West Yucca Project EIR Environmental Findings;
2) The Statement of Overriding Considerations; and
3) The Mitigation Monitoring Program prepared for the 6220 West Yucca Project EIR.

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

> **Vesting Tentative Tract Map No. 73718** (stamp dated July 27, 2020), located at 1756, 1760 North Argyle Avenue; 6210-6224 West Yucca Street, for the merger and resubdivision of four lots into one master ground lot for condominium purposes and five airspace lots for a mixed-use development (Modified Alternative 2) containing 269 multi-family residential units, and approximately 7,760 square feet of commercial/restaurant uses, on an approximately .90-acre (39,375 square foot) site and a Haul Route for the export of 23,833 cubic yards of soil

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 consideration is subject to the following conditions:

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

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)

1. That a 5-foot wide public sidewalk easement be provided along Argyle Avenue to complete a 12-foot sidewalk including a 10-foot by 10-foot or 15-foot radius property easement line return at the intersection with Yucca Street in accordance with Local Street Standards of LA Mobility Plan.

2. That a 6-foot wide public sidewalk easement be provided along Yucca Street to complete a 12-foot wide sidewalk area in accordance with Local Street Standards of LA Mobility Plan. Additional public sidewalk easement shall be provided at the location of the drop-off to complete a 12-foot sidewalk area.

3. That no architectural projection shall be shown on the final map.

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

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

    a. Plan view at different elevations.
    b. Isometric views.

c. Elevation views.
d. Section cuts at all locations where air space lot boundaries change.

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

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

a) Improve Argyle Avenue adjoining the subdivision by the construction of a new 12-foot full-width concrete sidewalk with tree wells including any necessary removal and reconstruction of existing improvements.

b) Improve Yucca Street adjoining the subdivision by the construction of a new 12-foot full-width concrete sidewalk including the new public sidewalk easement area with tree wells including any necessary removal and reconstruction of existing improvements. A full-width meandering concrete sidewalk shall also be provided at the drop-off area all satisfactory to the City Engineer.

DEPARTMENT OF BUILDING AND SAFETY, GRADING DIVISION

8. Prior to issuance of a grading/building permits, a design-level geotechnical/soils report shall be submitted to the Grading Division to provide recommendations specific to the proposed development. (Soils Report Approval Letter dated October 24, 2019 (Log # 110300))

9. Prior to issuance of any permit, a soil engineering report shall be submitted to the Grading Division to provide design recommendations for the proposed grading/construction. (Geology Report Approval Letter dated February 20, 2015 (Log #85579-01))

10. During construction, the project engineering geologist shall observe all excavations that expose the natural alluvial soils to verify the conclusions of the fault investigation and that no Holocene faults are exposed. The project engineering geologist shall post a notice on the job site for the City Grading Inspector and the Contractor stating that the excavation (or portion thereof) has been observed and documented and meets the conditions of the report. No fill or lagging shall be placed until the LADBS Grading Inspector has verified documentation. (2015 Letter)

11. A supplemental report that summarizes the geologist's observations (including photographs and simple logs of excavations) shall be submitted to the Grading Division of the Department upon completion of the excavations. If evidence of active faulting is observed, the Grading Division shall be notified immediately. (2015 Letter)

DEPARTMENT OF BUILDING AND SAFETY, ZONING DIVISION

12. 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 [Q] and D conditions. Show compliance with the above conditions as applicable or Department of City Planning approval is required.

c. Provide a copy of affidavit AF-93-103181-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.

d. Provide a copy of CPC case CPC-2014-4705-ZC-HD-MCUP-CU-SPR. Show compliance with all the conditions/requirements of the CPC case as applicable.

e. Zone Change must be recorded prior to obtaining Zoning clearance.

f. Show all street dedication(s) as required by Bureau of Engineering and provide net lot area after all dedication. “Area” requirements shall be re- checked as per net lot area after street dedication. Front and side yard requirements shall be required to comply with current code as measured from new property lines after dedication(s).

Notes:

This Proposed Project is within the Regional Center Commercial area.

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

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

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.

BUREAU OF STREET LIGHTING

13. 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. IMPROVEMENT CONDITION: Construct new street light: one (1) on Argyle Ave. If street widening per BOE improvement conditions, relocate and upgrade street light; one (1) on Yucca St.

FIRE DEPARTMENT

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

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

    b. Address identification. New and existing buildings shall have approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property.

    c. 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).

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

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

    f. The width of private roadways for general access use and fire lanes shall not be less than 20 feet, and the fire lane must be clear to the sky.

    g. Fire lanes, where required and dead ending streets shall terminate in a cul-de-sac or other approved turning area. No dead ending street or fire lane shall be greater than 700 feet in length or secondary access shall be required.

    h. Submit plot plans indicating access road and turning area for Fire Department approval.

    i. All parking restrictions for fire lanes shall be posted and/or painted prior to any Temporary Certificate of Occupancy being issued.

    j. Plans showing areas to be posted and/or painted, “FIRE LANE NO PARKING” shall be submitted and approved by the Fire Department prior to building permit application sign-off.

k. Electric Gates approved by the Fire Department shall be tested by the Fire Department prior to Building and Safety granting a Certificate of Occupancy.

l. All public street and fire lane cul-de-sacs shall have the curbs painted red and/or be posted “No Parking at Any Time” prior to the issuance of a Certificate of Occupancy or Temporary Certificate of Occupancy for any structures adjacent to the cul-de-sac.

m. No framing shall be allowed until the roadway is installed to the satisfaction of the Fire Department.

n. 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.

o. 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.

p. The following recommendations of the Fire Department relative to fire safety shall be incorporated into the building plans, which includes the submittal of a plot plan for approval by the Fire Department either prior to the recordation of a final map or the approval of a building permit. The plot plan shall include the following minimum design features: fire lanes, where required, shall be a minimum of 20 feet in width; all structures must be within 300 feet of an approved fire hydrant, and entrances to any dwelling unit or guest room shall not be more than 150 feet in distance in horizontal travel from the edge of the roadway of an improved street or approved fire lane.

q. 2014 CITY OF LOS ANGELES FIRE CODE, SECTION 503.1.4 (EXCEPTION)

    a. 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.

    b. 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.

    c. This policy does not apply to single-family dwellings or to non-residential buildings.

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

s. Site plans shall include all overhead utility lines adjacent to the site.

t. Where access for a given development requires accommodation of Fire Department apparatus, overhead clearance shall not be less than 14 feet.

u. No proposed development utilizing cluster, group, or condominium design of one or two family dwellings shall be more than 150 feet from the edge of the roadway of an improved street, access road, or designated fire lane.

v. On small lot subdivisions, any lots used for access purposes shall be recorded on the final map as a “Fire Lane”.

w. Construction of public or private roadway in the proposed development shall not exceed 15 percent in grade.

x. Private development shall conform to the standard street dimensions shown on Department of Public Works Standard Plan S-470-0.

y. Standard cut-corners will be used on all turns.

z. FPB #105 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 communication systems.

aa. That in order to provide assurance that the proposed common fire lane and fire protection facilities, for the project, not maintained by the City, are properly and adequately maintained, the sub-divider shall record with the County Recorder, prior to the recordation of the final map, a covenant and agreement (Planning Department General Form CP-6770) to assure the following:

    i. The establishment of a property owners association, which shall cause a yearly inspection to be, made by a registered civil engineer of all common fire lanes and fire protection facilities. The association will undertake any necessary maintenance and corrective measures. Each future property owner shall automatically become a member of the association or organization required above and is automatically subject to a proportionate share of the cost.
    ii. The future owners of affected lots with common fire lanes and fire protection facilities shall be informed or their responsibility for the maintenance of the devices on their lots. The future owner and all successors will be presented with a copy of the maintenance program for their lot. Any amendment or modification that would defeat the obligation of said association as the Advisory Agency must approve required hereinabove in writing after consultation with the Fire Department.
    iii. In the event that the property owners association fails to maintain the common property and easements as required by the CC and R's, the individual property owners shall be responsible for their proportional share

of the maintenance.

iv. Prior to any building permits being issued, the applicant shall improve, to the satisfaction of the Fire Department, all common fire lanes and install all private fire hydrants to be required.

v. That the Common Fire Lanes and Fire Protection facilities be shown on the Final Map.

bb. The plot plans shall be approved by the Fire Department showing fire hydrants and access for each phase of the project prior to the recording of the final map for that phase. Each phase shall comply independently with code requirements.

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

dd. Building designs for multi-storied residential buildings shall incorporate at least one access stairwell off the main lobby of the building; But, in no case greater than 150ft horizontal travel distance from the edge of the public street, Private Street or Fire Lane. This stairwell shall extend onto the roof.

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

ff. Any required Fire Annunciator panel or Fire Control Room shall be located within 20ft visual line of site of the main entrance stairwell or to the satisfaction of the Fire Department.

gg. Where rescue window access is required, provide conditions and improvements necessary to meet accessibility standards as determined by the Los Angeles Fire Department.

hh. 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.

ii. Any required fire hydrants to be installed shall be fully operational and accepted by the Fire Department prior to any building construction.

jj. Recently, the Los Angeles Fire Department (LAFD) modified Fire Prevention Bureau (FPB) Requirement 10. Helicopter landing facilities 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 facilities.

kk. 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.

ll. 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 TRANSPORTATION

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

16. Parking stalls shall be designed so that a vehicle is not required to back into or out of any public street or sidewalk. LAMC 12.21 A.

17. A parking area and driveway plan be submitted to the Citywide Planning Coordination Section of the Department of Transportation for approval prior to submittal of building permit plans for plan check by the Department of Building and Safety. Transportation approvals are conducted at 201 N. Figueroa Street Room 550. For an appointment, call (213) 482-7024.

18. Haul Route Plans should be prepared with the collaborations of the LADOT Hollywood District Office – LADOT.HollywoodDistrict@lacity.org, 323-957-6843.

DEPARTMENT OF RECREATION AND PARKS

19. That the Quimby fee be based on the R3 and C2 Zones

    Note: As the application for the Vesting Tentative Tract map was deemed complete on August 16, 2016, the Project is not subject to the update in RAP fees per Ordinance No. 184,505.

DEPARTMENT OF WATER AND POWER

20. That the project be subject to any recommendations from the Department of Water and Power.

BUREAU OF SANITATION

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

INFORMATION TECHNOLOGY

22. To assure that cable television facilities will be installed in the same manner as other required improvements, please email 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.

URBAN FORESTRY DIVISION AND THE DEPARTMENT OF CITY PLANNING

23. 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.

    Notes:

    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

24. 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 one master ground lot for condominium purposes and five airspace lots.

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

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

25. Prior to the issuance of the building permit or the recordation of the final map, a copy of CPC-2014-4705-ZC-HD-MCUP-CU-SPR shall be submitted to the satisfaction of the Advisory Agency. In the event CPC-2014-4705-ZC-HD-MCUP-CU-SPR is not approved, the subdivider shall submit a tract modification.

26. Haul Route Conditions

    a. **Option 1**
        i. Loaded haul vehicles traveling from the project site shall travel via the following haul route.

            1. Exit jobsite onto Argyle Ave (Northbound); Merge onto N/B Hollywood Fwy (US-101); Exit towards Lankershim Blvd (Northbound); Right onto Cahuenga Blvd (Northbound); Merge to E/B Ventura Fwy (CA-134); Exit towards Figueroa St (Northbound); Continue straight onto Scholl Canyon Rd disposal site: Scholl Canyon Landfills.

        ii. Empty haul vehicles traveling to the project site facility shall travel via the

following haul route:

1. Exit disposal site onto Scholl Canyon Rd; Continue straight onto Figueroa St (Southbound); Merge onto W/B Ventura Fwy (CA-134); Exit onto Cahuenga Blvd (Southbound); Merge left onto Lankershim Blvd (Southbound); Right onto Ventura Blvd (Westbound); Merge onto S/B Hollywood Fwy (US-101); Exit towards Gower St (Southbound); Right onto Gower St (Southbound); Right onto Hollywood Blvd (Westbound); Right onto Argyle Ave (Northbound) towards job site: 6220 Yucca St.

b. **Option 2**
   i. Loaded haul vehicles traveling from the project site shall travel via the following haul route.

      1. Exit jobsite onto Yucca St (Eastbound); Left onto Gower St (Northbound); Left onto Franklin Ave (Westbound); Merge onto N/B Hollywood Fwy (US-101); Exit towards Lankershim Blvd (Northbound); Right onto Cahuenga Blvd (Northbound); Merge to E/B Ventura Fwy (CA-134); Exit towards Figueroa St (Northbound); Continue straight onto Scholl Canyon Rd disposal site: Scholl Canyon Landfills.

   ii. Empty haul vehicles traveling to the project site facility shall travel via the following haul route:

      1. Exit disposal site onto Scholl Canyon Rd; Continue straight onto Figueroa St (Southbound); Merge onto W/B Ventura Fwy (CA-134); Exit onto Cahuenga Blvd (Southbound); Merge left onto Lankershim Blvd (Southbound); Right onto Ventura Blvd (Westbound); Merge onto S/B Hollywood Fwy (US-101); Exit towards Gower St (Southbound); Right onto Gower St (Southbound); Right onto Hollywood Blvd (Westbound); Right onto Argyle Ave (Northbound); Right onto Yucca St (Eastbound) towards job site: 6220 Yucca St.

c. Hauling hours of operation are restricted to the hours between 9AM to 3PM weekdays, and 8AM to 4PM on Saturdays.

d. No hauling activity shall occur on Sunday and holidays.

e. No staging on Argyle Ave or Yucca St. All trucks shall be staged on jobsite.

f. Total net export of material is approximately 23,833 cubic yards.

g. 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 Argyle Ave or Yucca St adjacent to jobsite if needed for hauling.

h. The vehicles used for hauling shall be Bottom Dump trucks.

i. All trucks are to be cleaned of loose earth at the export site to prevent spilling. The contractor shall remove any material spilled onto the public street.

j. All trucks are to be watered at the export site to prevent excessive blowing of dirt.

k. The applicant shall comply with the State of California, Department of Transportation policy regarding movement of reducible loads.

l. “Truck Crossing" warning signs shall be placed 300 feet in advance of the exit in each direction.

m. Flagger control should be provided during the hauling operations to assist with ingress/egress of truck traffic and pedestrian traffic on Argyle Ave or Yucca St. Flagger control should also be provided at Yucca St and Gower St intersection if needed. Should the sidewalk need to be closed during hauling, a permit and approval from the Department of Public Works, Bureau of Street Services is required, and the proper sidewalk detour shall be implemented per CA MUTCD TA-28 or page 48 of the WATCH Manual. If you have any questions, please call Jedah Mosqueda at (323) 957-6823.

n. A surety or cash bond shall be posted in an amount satisfactory to the City Engineer for maintenance of haul route streets. The forms for the bond will be issued by the Central District Engineering Office, 100 S. Main Street 9th Floor, Los Angeles, CA, 90012. Further information regarding the bond may be obtained by calling 213-972-4990.

o. The permittee shall comply with all regulations set forth by the State of California, Department of Motor Vehicles pertaining to the hauling of earth.

p. 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.

q. 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 at (213) 847-6000 prior to effecting any change.

r. The permittee shall notify the Street Services Investigation and Enforcement Division at (213) 847-6000 at least 72 hours prior to the beginning of hauling operations and shall notify the Division immediately upon completion of hauling operations.

s. The application shall expire eighteen months after the date of the Board of Building and Safety Commission and/ or the Department of City Planning approval. The permit fee shall be paid to the Street Services Investigation and Enforcement Division prior to the commencement of hauling operations.

27. 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[1], all such activities shall temporarily cease on the project site until the potential tribal cultural resources are properly assessed and addressed pursuant to the process set forth below:

- Upon a discovery of a potential tribal cultural resource, the project Permittee shall immediately stop all ground disturbance activities and contact the following: (1) all California Native American tribes that have informed the City they are traditionally and culturally affiliated with the geographic area of the proposed project; (2) and the Department of City Planning.
- If the City determines, pursuant to Public Resources Code Section 21074 (a)(2), that the object or artifact appears to be tribal cultural resource, the City shall provide any effected tribe a reasonable period of time, not less than 14 days, to conduct a site visit and make recommendations to the Project Permittee and the City regarding the monitoring of future ground disturbance activities, as well as the treatment and disposition of any discovered tribal cultural resources.
- The project Permittee shall implement the tribe's recommendations if a qualified archaeologist, retained by the City and paid for by the project Permittee, reasonably concludes that the tribe's recommendations are reasonable and feasible.
- The project Permittee shall submit a tribal cultural resource monitoring plan to the City that includes all recommendations from the City and any effected tribes that have been reviewed and determined by the qualified archaeologist to be reasonable and feasible. The project Permittee shall not be allowed to recommence ground disturbance activities until this plan is approved by the City.
- If the project Permittee does not accept a particular recommendation determined to be reasonable and feasible by the qualified archaeologist, the project Permittee may request mediation by a mediator agreed to by the Permittee and the City who has the requisite professional qualifications and experience to mediate such a dispute. The project Permittee shall pay any costs associated with the mediation.
- 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.

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

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

Applicant shall do all of the following:

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

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

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

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

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

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

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

For purposes of this condition, the following definitions apply:

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

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

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

DEPARTMENT OF CITY PLANNING-ENVIRONMENTAL MITIGATION MEASURES.

29. **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.

30. **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.

31. **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.

DEPARTMENT OF CITY PLANNING - STANDARD CONDOMINIUM CONDITIONS

C-1. That approval of this tract constitutes approval of model home uses, including a sales office and off-street parking. Where the existing zoning is (T) or (Q) for multiple residential use, no construction or use shall be permitted until the final map has recorded or the proper zone has been effectuated. If models are constructed under this tract approval, the following conditions shall apply:

1. Prior to recordation of the final map, the subdivider shall submit a plot plan for approval by the Department of City Planning showing the location of the model dwellings, sales office and off-street parking. The sales office must be within one of the model buildings.

2. All other conditions applying to Model Dwellings under Section 12.22 A.10 and 11 and Section 17.05-O of the LAMC shall be fully complied with satisfactory to the Department of Building and Safety.

C-2. Prior to the recordation of the final map, the subdivider shall pay or guarantee the payment of a park and recreation fee based on the latest fee rate schedule applicable. The amount of said fee to be established by the Advisory Agency in accordance with LAMC Section 17.12 and is to be paid and deposited in the trust accounts of the Park and Recreation Fund.

C-3. Prior to obtaining any grading or building permits before the recordation of the final map, a landscape plan, prepared by a licensed landscape architect, shall be submitted to and approved by the Advisory Agency in accordance with CP-6730.

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

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

OR

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

BUREAU OF ENGINEERING - STANDARD CONDITIONS

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

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

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

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

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

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

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

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

(i) That 1-foot future streets and/or alleys be shown along the outside of incomplete public dedications and across the termini of all dedications abutting unsubdivided property. The 1-foot dedications on the map shall include a restriction against their use of access purposes until such time as they are accepted for public use.

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

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

(l) That any necessary additional street dedications be provided to comply with the

Americans with Disabilities Act (ADA) of 1990.

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

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

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

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

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

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

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

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

(b) Construct any necessary drainage facilities.

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

Construct new street light: one (1) on Argyle Avenue. If street widening per BOE improvement conditions, relocate and upgrade street light; one (1) on Yucca St.

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 Argyle Avenue adjoining the subdivision by the construction of a new 12-foot full-width concrete sidewalk with tree wells including any necessary removal and reconstruction of existing improvements.

b. Improve Yucca Street adjoining the subdivision by the construction of a new 12-foot full-width concrete sidewalk including the new public sidewalk easement area with tree wells including any necessary removal and reconstruction of existing improvements. A full-width meandering concrete sidewalk shall also be provided at the drop-off area all satisfactory to the City Engineer.

NOTES:

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

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

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

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

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

FINDINGS OF FACT (CEQA)

I. INTRODUCTION

This Environmental Impact Report (EIR), consisting of the Draft EIR and the Final EIR, is intended to serve as an informational document for public agency decision-makers and the general public regarding the objectives and environmental impacts of the 6220 West Yucca Street Project (Project), located at 1756, 1760 North Argyle Avenue; 6210-6224 West Yucca Street; and 1765, 1771, 1777, and 1779 North Vista Del Mar Avenue, Los Angeles, CA 90028 (Site or Project Site). The Project involves the construction and operation of 210 multi-family residential units (all of which would be governed by the City of Los Angeles' Rent Stabilization Ordinance), 136 hotel rooms and approximately 12,570 square feet of commercial/restaurant uses in two new buildings on the Project Site. All but 13 of the Project's residential units are located in the Project's Building 1, which is a 20-story tower located across the west and center parcels of the Project Site.

The EIR analyzed the project originally proposed by the applicant (referred to as "Original Project"), as well as multiple alternatives, including Alternative 2, *Primarily Residential Mixed-Use Alternative*. In response to comments from the public made on the Draft EIR, and pursuant to guidance offered by the City of Los Angeles (the "City"). The EIR also analyzed Modified Alternative 2. Modified Alternative 2 is similar to Alternative 2 in the Draft EIR, which proposed 271 residential units with 5,120 square feet of commercial within two structures. It eliminates the hotel component of the Project. Building heights would range from three- to 20 stories with a maximum FAR of 6.6:1. Modified Alternative 2 involves the construction and operation of a single 30-story residential tower with 269 residential units (17 of which would be set aside for Very Low Income households, and the remainder of which would be governed by the City's Rent Stabilization Ordinance), approximately 7,760 square feet of ground floor retail and restaurant space, and, per the guidance of the Department of City Planning, the preservation of the two existing houses on N. Vista Del Mar Avenue that would have been demolished under both the Project and Alternative 2.

For purposes of these Findings, the term "Project" is used for statements that are equally attributable to the Original Project, Alternative 2, and Modified Alternative 2. Where a statement applies specifically only to the Original Project, Alternative 2, or Modified Alternative 2, the more specific terminology is used.

The City, as Lead Agency, has evaluated the environmental impacts of the implementation of the Project and of the Modified Alternative 2 by preparing an environmental impact report (EIR) (Case Number ENV-2014-4706-EIR/State Clearinghouse No. 2015111073). 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:

> 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.
>
> 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.
>
> 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 EIR for the Modified Alternative 2 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 fully account for all 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].)

II. ENVIRONMENTAL REVIEW PROCESS AND RECORD OF PROCEEDINGS

For purposes of CEQA and these Findings, the Record of Proceedings for the Project and the Modified Alternative 2 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 CEQA (Pub. Resources Code § 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 33 day period commencing on November 25, 2015 and ending on December 28, 2015. The NOP also provided notice of a Public Scoping Meeting held on December 9, 2015. 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.

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 (Alternative 1), a "Primarily Residential Mixed-Use Alternative" (Alternative 2), a "No Commercial Zone Change, No High Density Residential, No Density Bonus Alternative" (Alternative 3, and a "Primarily Office Mixed-Use Alternative" (Alternative 4). The Draft EIR for the Project (State Clearing House No. 2015111073) 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 47-day public comment period beginning on April 23, 2020, and ending on June 8, 2020. A Notice of Completion and Availability (NOC/NOA) was distributed on April 23, 2020 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 could be accessed and reviewed by members of the public by appointment with the Planning Department. Additionally, due to the circumstances created by the COVID-19 pandemic, copies of the Draft EIR were made available to the public on CD-ROM or in hard copy upon request to the Department of City Planning at the contact information listed on the NOC/NOA. A copy of the document was also posted online at https://planning.lacity.org. Notices were filed with the County Clerk on April 22, 2020, but due to delays caused by the COVID-19 pandemic, were not physically posted until May 26, 2020. However, the posting of notices in this instance was excused as a result of the COVID-19 pandemic pursuant to the Governor's Executive Order No. N-54-40.

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 April 23, 2020, and notice was provided in newspapers of general and/or regional circulation.

Final EIR. The City released a Final EIR for the Project on August 7, 2020, which is hereby incorporated by reference in full. The Final EIR constitutes the second part of the EIR 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 II, Responses to Comments, of the Final EIR. In Chapter 3, *Revisions, Clarifications and Corrections*, of the Final EIR, the City made revisions, clarifications and corrections to the Draft EIR regarding the Project and in addition, analyzed the environmental effects of the Modified Alternative 2, focusing particularly on the differences in its environmental impacts as compared to those of the Project and Alternative 2 analyzed in the Draft EIR. On August 7, 2020, 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 the availability of the Final EIR were also sent to property owners and occupants within a 500-foot radius of the Project Site, as well as anyone 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/Hearing Officer on behalf of the City Planning Commission on August 19, 2020. Notices were mailed and posted to the Department's website on July 24, 2020.

For purposes of CEQA and these Findings, the Record of Proceedings for the Project and the Modified Alternative 2 includes (but is not limited to) the following documents and other materials that constitute the administrative record upon which the City determined to approve the Modified Alternative 2. 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;
- All Modified Alternative 2 plans and application materials including supportive technical reports;
- The Draft EIR and Appendices, the Final EIR and Appendices, and all documents cited, relied upon or incorporated therein by reference;
- The Mitigation Monitoring Program (MMP) prepared for the Project or Modified Alternative 2;
- 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);
- The Los Angeles Municipal Code, including but not limited to the Zoning Ordinance and Subdivision Ordinance;
- All records of decision, resolutions, staff reports, memoranda, maps, exhibits, letters, minutes of meetings, summaries, and other documents approved, reviewed, relied upon, or prepared by any City commissions, boards, officials, consultants, or staff relating to the Project and/or Modified Alternative 2;
- 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 and these CEQA Findings 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 and click on the Project title, where the Draft and Final EIR are made available. As indicated above, due to government facility closures as a result of the COVID-19 crisis, the Draft and Final EIR documents could not be made available at a public library. However, consistent with state emergency orders, the public was notified of an ability to call or email the City and schedule an appointment to review the documents at the City of Los Angeles, Department of City Planning, 221 North Figueroa Street, Suite 1350, Los Angeles, CA 90012, during office hours Monday - Friday, 9:00 a.m. - 4:00 p.m.

III. DESCRIPTION OF MODIFIED ALTERNATIVE 2

Modified Alternative 2 analyzed in the EIR is a modified version of Project Alternative 2, the Primarily Residential Alternative, as described and analyzed in Chapter V, Alternatives, of the Draft EIR. Modified Alternative 2 is a 316,948 square-foot, infill mixed-use residential and commercial development, with a Floor Area Ratio (FAR) of 6.6:1. It provides 7,760 square feet of commercial space and, utilizing the City's Density Bonus Ordinance, 269 new multi-family residential units (17 of which would be set aside for Very Low Income households, and 252 of which would be governed by the City's Rent Stabilization Ordinance), along with required vehicle parking on Level 1 and a parking podium in a new 30-story building. Unlike the Project and Alternative 2, Modified Alternative 2 retains the existing on-site residential structures along N. Vista Del Mar (the duplex and studio apartment over the garage at 1765 N. Vista Del Mar and the single-family residence at 1771 Vista Del Mar, and includes returning 1765 Vista Del Mar to a single-family residence; thus, 1765 and 1771 N. Vista Del Mar bring Modified Alternative 2's residential unit total to 271). Thus, the Modified Alternative 2 eliminates the Project's and Alternative 2's Building 2. In addition, Modified Alternative 2 includes conversion of the asphalt surface parking lot at the southwest corner of Yucca Street and Vista Del Mar into a small pocket park/ landscaped open space. Similar to the Project and Alternative 2, the Modified Alternative 2 demolishes the remaining 40 apartment units in the central and western portions of the Project Site. Under the Modified Alternative 2, in place of the 20-story Building 1 proposed under the Project and Alternative 2, a new 30-story building with a maximum proposed height of 345 feet to the top of the parapet will be constructed. A description of Modified Alternative 2's components and architectural design is provided in Chapters I, *Introduction*, and in Chapter 3, *Revisions, Clarifications and Corrections,* of the Final EIR.

Environmental Leadership Development Project Certification

On July 26, 2017, the Governor certified the Project as an eligible Environmental Leadership Development Project (ELDP) under AB 900, and, on July 27, 2017, the Governor's OPR forwarded the Governor's determination to the Joint Legislative Budget Committee. According to CEQA Section 21184(b)(2)(C), if "the Joint Legislative Budget Committee fails to concur or non-concur on a determination by the Governor within 30 days of the submittal, the leadership Project is deemed to be certified." On August 18, 2017 the Joint Legislative Budget Committee concurred with the Governor's determination.

IV. ENVIRONMENTAL IMPACTS FOUND NOT TO BE SIGNIFICANT WITHOUT MITIGATION OR LESS THAN SIGNIFICANT IN THE DRAFT EIR

Impacts of Modified Alternative 2 that were determined to have no impact or to be a less than significant impact in the EIR (including having a less than significant impact as a result of the incorporation of PDFs and compliance with regulatory compliance measures, where applicable) and that require no mitigation are also identified below.

The City has reviewed the record and agrees with the conclusion that the following environmental issues would not be significantly affected by Modified Alternative 2 and, therefore, no additional findings are needed. The following information does not repeat the full discussion of environmental impacts contained in the EIR or the Initial Study (Appendix A-2 to the Draft EIR). The City ratifies, adopts, and incorporates the analyses, explanations, findings, responses to comments, and conclusions of the EIR and of the Initial Study.

Aesthetics:

Under Senate Bill (SB 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. However, as defined by PRC Section 21099, aesthetic impacts do not include impacts to historic or cultural resources. Modified Alternative 2 meets these criteria. Therefore, pursuant to SB 743 and PRC Section 21099(d)(1), implementation of Modified Alternative 2 would not have a substantial impact on a scenic vista, would not degrade the existing visual character or quality of the site and its surroundings, would not substantially damage scenic resources within a State scenic highway, would not create a new source of substantial light or glare, and Modified Alternative 2's project-level and cumulative impacts to aesthetics would be less than significant as discussed on pages 3-29 through 3-32 of Section 2(d), Modified Alternative 2 Environmental Impacts, in Chapter 3, *Revisions, Clarifications and Corrections*, of the Final EIR, which discussion is provided for informational purposes. The Modified Alternative 2's potential aesthetic impacts on historic resources are determined under CEQA to be less than significant for the reasons discussed on pages 3-34 through 3-38 of Section 2(d), Modified Alternative 2 Environmental Impacts, in Chapter 3, *Revisions, Clarifications and Corrections*, of the Final EIR.

Agriculture and Forestry Resources:

Similar to the Original Project and Alternative 2, implementation of the Modified Alternative 2 at an urban infill site located within an identified transit priority area will not convert farmland to non-agricultural uses; will not conflict with existing zoning for agricultural use or a Williamson Act contract; will not conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned Timberland Production; will not result in the loss of forest land or conversion of forest land to non-forest use; and will not involve other changes in the existing environment which could result in the conversion of farmland to non-agricultural uses. Therefore, Modified Alternative 2 will not create any project-level or cumulative impact to agriculture for forestry resources. Refer to pages IS-6 and IS-7 and B-3 and B-4 of the Project's Initial Study, Appendix A-2 of the Draft EIR, and to Chapter VI of the Draft EIR.

Air Quality:

For the reasons stated on page 3-32 of Chapter 3, *Revisions, Clarifications and Corrections*, of

the Final EIR, and on pages IV.B-50 through IV.B-65 of Section IV.B, *Air Quality*, of the Draft EIR, implementation of Modified Alternative 2 neither conflicts with nor obstructs implementation of SCAQMD's 2016 AQMP or implementation of the City's General Plan Air Quality Element, and Modified Alternative 2's impacts are less than significant with regards to a conflict with or obstruction of an applicable air quality plan.

As stated on pages 3-32 through 3-34 of Chapter 3, *Revisions, Clarifications and Corrections*, of the Final EIR, Modified Alternative 2's operations will not violate any air quality standards or contribute substantially to an existing or projected air quality violation, nor will Modified Alternative 2's operations result in a cumulatively considerable net increase of any criteria pollutants for which Modified Alternative 2's region is in non-attainment. Project-level and cumulative impacts with regard to violation of air quality standards from project operation are less than significant.

As stated in the Project's Initial Study, pages IS-7 and B-6 of Appendix A-2 of the Draft EIR, and for the reasons stated on pages IV.B-77 and IV.B-78 of Section IV.B, *Air Quality*, and in Chapter VI of the Draft EIR, similar to the Original Project, implementation of Modified Alternative 2 will not result in the creation of objectionable odors affecting a substantial number of people. Therefore, impacts related to odors are less than significant.

Biological Resources:

As stated in the Project Initial Study, pages B-6 through B-9 of Appendix A of the Draft EIR, similar to the Original Project, Modified Alternative 2 does not have a substantial adverse effect, either directly or through habitat modification, on any species identified as a 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 Game or U.S. Fish and Wildlife Service; does not have a substantial adverse effect on federally protected wetlands as through direct removal, filling, hydrological interruption, or other means; does not conflict with the policies protecting biological resources; and does not conflict with the provisions of any conservation plan. Therefore, Modified Alternative 2's project-level and cumulative impacts related to biological resources are less than significant. Regarding Modified Alternative 2's potential impacts regarding the City's Street Tree Ordinance, see Section V below.

Cultural Resources:

As set forth on pages IV.C-1 through IV.C-25, IV.C-32 through IV.C-37, and IV.C-40 through IV.C-43 in Section IV.C, *Cultural Resources*, of the Draft EIR, similar to the Original Project, Modified Alternative 2's removal of the Yucca Argyle Apartment complex located at 6210-6218 and 6220-6224 Yucca Street and 1756-1760 North Argyle Avenue does not have a significant impact on a historical resource located within the Project Site because none of these buildings meets the criteria for federal, State, or local eligibility either as an individual historical resource or as a contributor to the Vista del Mar/Carlos Historic District.

Modified Alternative 2 eliminates the Project's Building 2, does not demolish the existing residences located at 1765 and 1771 N. Vista Del Mar, and returns the residence located at 1765 N. Vista Del Mar, which had previously been converted into a duplex with an apartment over the garage, to a single-family residence without changing the exterior of the structure. Modified Alternative 2 also converts the existing paved surface parking lot within the Project Site at the corner of Yucca Street and Vista Del Mar Avenue into a publicly accessible landscaped open space/park to be compatible with the characteristics of the Historic District and to provide a buffer between the district and the surrounding built environment to the north and west. The construction

of the proposed park under Modified Alternative 2 does not physically impact any identified historical resources, is compatible with the district's character, visually and physically enhances the district, and protects the integrity of the district. Therefore, the proposed park has no adverse impact on, but conversely, enhances the Vista del Mar/Carlos Historic District.

Although the residences at 1765 and 1771 N. Vista Del Mar and the park (former parking lot) are not contributors to the Vista del Mar/Carlos Historic District, Modified Alternative 2's retention of the two residences without any alteration to their exterior appearance and creation of a park at the site of the former surface parking lot aligns with Standards 9 and 10 of the Secretary of Interior Standards for Rehabilitation, for the reasons discussed in the Historical Resources Memorandum (Appendix C-2 to the Final EIR). Therefore, as analyzed in the Historical Resources Memorandum, Modified Alternative 2 has a less than significant effect on the Vista del Mar/Carlos Historic District.

Modified Alternative 2 does not have a significant impact on the seven historical resources located in the Project Site vicinity, including the Vista del Mar/Carlos Historic District, the site of the former Little Country Church of Hollywood, Capitol Records Building, Pantages Theatre, Hollywood Equitable Building, Hollywood Commercial and Entertainment District and the Hollywood Walk of Fame, because the changes to the setting caused by Modified Alternative 2 have no effect on the listing eligibility of these resources, and Modified Alternative 2 does not alter the setting of these resources in a way that materially impairs their historical significance or integrity.

Modified Alternative 2, together with related projects, does not significantly affect historical resources in the immediate vicinity cumulatively, or involve or adversely affect historical resources that are examples of the same style or property type as those within the Project Site, or cumulatively alter primary views of an historical resource, and Modified Alternative 2 does not make a cumulatively considerable contribution to a significant impact on historical resources.

Modified Alternative 2 results in less than significant impacts regarding the disturbance of any known human remains, including those interred outside of dedicated cemeteries, and less than significant cumulative impacts to archaeological resources. Refer to pages IV.C-1 through IV.C-25, IV.C-32 through IV.C-43 in Section IV.C, *Cultural Resources*, of the Draft EIR, Appendix A of the Initial Study (Appendix A-2 to the Draft EIR), pages 3-4 and 3-5 of Chapter 3, *Revisions, Clarifications and Corrections to Draft EIR Sections* and Appendices, and pages 3-34 through 3-38 of Section 3(d), Modified Alternative 2 Environmental Impacts, of Chapter 3, *Revisions, Clarifications and Corrections*, and Appendix C-1 of the Final EIR.

Energy:

As stated on page 3-39 of Chapter 3, *Revisions, Clarifications and Corrections*, of the Final EIR, Modified Alternative 2 does not cause wasteful, inefficient, and unnecessary consumption of energy during construction or operation, or result in a significant increase in demand for electricity, natural gas, or transportation energy. Therefore, Modified Alternative 2's project-level and cumulative impacts related to energy are less than significant.

Geology:

As set forth in Section IV.E, *Geology and Soils*, of the Draft EIR, on pages IV.E-26 through IV.E-36, and Chapter 3, *Revisions Clarifications and Corrections*, pages 3-39 through 3-40 of the Final EIR, Modified Alternative 2 does not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving the rupture of a known earthquake

fault, or strong seismic ground shaking, seismic-related ground failure, including liquefaction or landslides. Modified Alternative 2 does not result in substantial soil erosion or the loss of topsoil. The Project Site is not located on a geological unit or soil that is unstable, or that would become unstable as a result of Modified Alternative 2, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse, and the Project Site is not located on expansive soil as defined in Table 18-1-B of the Uniform Building Code. Modified Alternative 2 does not involve the use of septic tanks or alternative wastewater disposal systems. Therefore, Modified Alternative 2's project-level and cumulative impacts related to geology and soils are less than significant. For findings related to paleontological resources, see Section V of these Findings.

Greenhouse Gas Emissions:

As stated on pages 3-42 of Chapter 3, *Revisions, Clarifications and Corrections*, in Appendix C-1 of the Final EIR, and pages IV.F-30 through IV.F-88 of Section IV.F, *Greenhouse Gas Emissions*, of the Draft EIR, similar to the Original Project, Modified Alternative 2 results in less than significant greenhouse gas emission impacts, or does not conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases. Modified Alternative 2's design and location, and its incorporation of PDF AQ-1, Green Building Measures, and PDF-GHG-2 and PDF-GHG 3, render Modified Alternative 2 consistent with applicable strategies outlined in CARB's Climate Change Scoping Plan, SCAG's RTP/SCS, L.A.'s Green New Deal (Sustainable City pLAn 2019), and the City's Green Building Ordinance. Therefore, Modified Alternative 2's project-level and cumulative impacts related to greenhouse gas emissions are less than significant.

Hydrology and Water Quality:

As stated on pages 3-42 and 3-43 of Chapter 3, *Revisions, Clarifications and Corrections*, of the Final EIR, and pages IV.G-22 through IV.G-38 of Section IV.G, *Hydrology and Water Quality*, of the Draft EIR, Modified Alternative 2 complies with the same regulatory compliance measures as the Project and does not violate any water quality standards or waste discharge requirements; substantially deplete groundwater supply; substantially alter the existing drainage patterns; affect stormwater drainage capacity; impede or redirect flood flows; result in potential inundation by seiche, tsunami or flood; or conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management. Therefore, Modified Alternative 2's project-level and cumulative impacts to hydrology and water quality are less that significant.

Land Use and Planning:

As stated on pages 3-43 and 3-44 of Chapter 3, *Revisions, Clarifications and Corrections*, of the Final EIR, and pages IV.H-20 through IV.H-56 of Section IV.H, *Land Use and Planning*, of the Draft EIR, Modified Alternative 2 does not physically divide an established community, or cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. Of Modified Alternative 2's 271 units, 252 are new RSO units, 17 are new covenanted affordable units, and two are the existing single family residences on Vista Del Mar Avenue. Therefore, Modified Alternative 2 is consistent with all applicable land use plans, and its project-level and cumulative impacts to land use and planning are less than significant.

Noise:

Similar to the Original Project, Modified Alternative 2 utilizes the same potential haul routes as

those identified in Section IV.I, *Noise*, of the Draft EIR, on pages IV.I-31 through IV.I-35, for the Project, and therefore off-site construction noise impacts are less than significant. For the reasons discussed at pages IV.I-31 through IV.I-57, in Section IV.I, *Noise*, of the Draft EIR and pages 3-44 through 3-53 of Chapter 3, *Revisions, Clarifications and Corrections*, of the Final EIR, Modified Alternative 2's on-site stationary source impacts (other than emergency generator and composite noise impacts), off-site Project-related traffic noise impacts, operational groundborne vibration impacts and cumulative noise and vibration impacts are less than significant. As discussed in Chapter VI of the Draft EIR and in the Initial Study (at pages B-28 and B-29 of Appendix A-2 of the Draft EIR), Modified Alternative 2 does not expose people residing or working in the Project Site area to excessive noise levels for a project within the vicinity of a public use airport or private airstrip, and Modified Alternative 2 creates no impact regarding exposure to excessive noise related to an airport. For findings related to groundborne vibration during construction, operational noise from the emergency generator, and composite noise, see Section V of these Findings.

Population and Housing:

As stated on pages 3-53 through 3-54 of Chapter 3, *Revisions, Clarifications and Corrections*, of the Final EIR, and pages IV.J-14 through IV.J-25 of Section IV.J, *Population and Housing*, of the Draft EIR, Modified Alternative 2 does not induce substantial direct or indirect population growth and its contribution to population growth is consistent with SCAG population projections for the City of Los Angeles for the period of 2016-2040. Additionally, Modified Alternative 2 does not displace substantial numbers of existing people such that the unplanned construction of replacement housing elsewhere is required, and impacts from the demolition of housing are less than significant. While Modified Alternative 2 temporarily displaces current tenants occupying the existing apartment buildings on the Project Site, it provides 269 new multi-family residential units, resulting in approximately 552 new residents, while also retaining the two existing residences at 1765 and 1771 N. Vista Del Mar and returning the residence at 1765 N. Vista Del Mar to a single family residence. Therefore, Modified Alternative 2's project-level and cumulative impacts related to population, housing and employment are less than significant.

Public Services—Fire Protection and Emergency Medical Services:

As stated on pages 3-54 through 3-55 of Chapter 3, *Revisions, Clarifications and Corrections*, of the Final EIR, and pages IV.K.1-17 through IV.K.1-32 of Section IV.K.1, *Public Services—Fire Protection*, of the Draft EIR, Modified Alternative 2 does not result in the need for new or physically altered fire facilities, the construction of which would cause significant environmental impacts, in order to maintain acceptable service ratios, response times or objectives during construction or operation. Therefore, Modified Alternative 2's project-level and cumulative impacts related to fire protection and emergency medical services are less than significant.

Public Services—Police Services:

As stated on pages 3-55 and 3-56 of Chapter 3, *Revisions, Clarifications and Corrections*, of the Final EIR, and pages IV.K.2-11 through IV.K.2-20 of Section IV.K.2, *Public Services—Police Protection*, of the Draft EIR, Modified Alternative 2 does not result in the need for new or physically altered police facilities, the construction of which would cause significant environmental impacts, in order to maintain acceptable service ratios, response times or objectives during construction or operation. Therefore, Modified Alternative 2's project-level and cumulative impacts related to police protection services are less than significant.

Public Services—Schools:

As stated on page 3-56 of Chapter 3, *Revisions, Clarifications and Corrections*, of the Final EIR, and pages IV.K.3-10 through IV.K.3-23 of Section IV.K.3, *Public Services—Schools*, of the Draft EIR, Modified Alternative 2 does not result in substantial adverse physical impacts associated with the provision of or need for new or physically altered government facilities, the construction of which could cause significant environmental impacts. Additionally, Modified Alternative 2 pays fees pursuant to Section 65995 of the California Government Code addressing construction of school facilities; payment of such fees is deemed to be full mitigation of a project's development impacts. Therefore, Modified Alternative 2's project-level and cumulative impacts related to schools are less than significant.

Public Services—Parks and Recreation:

As stated at pages 3-56 through 3-57 of Chapter 3, *Revisions, Clarifications and Corrections*, of the Final EIR, and pages IV.K.4-13 through IV.K.4-23 of Section IV.K.4, *Public Services—Parks and Recreation*, of the Draft EIR, Modified Alternative 2 does not cause or accelerate substantial physical deterioration of off-site public parks or recreational facilities and does not result in the need for new or physically altered park or recreational facilities, the construction of which would cause significant adverse physical environmental impacts, in order to maintain acceptable service ratios or objectives. Therefore, Modified Alternative 2's project-level and cumulative impacts related to parks and recreation are less than significant.

Public Services—Libraries:

Modified Alternative 2 does not result in substantial adverse physical impacts associated with the provision of or need for new or physically altered library facilities, the construction of which would cause significant environmental impacts, in order to maintain acceptable service ratios or other performance objectives for libraries. Additionally, Modified Alternative 2 and related projects generate revenue to the City's General Fund that could be used to fund Los Angeles Public Library expenditures to offset any cumulative impact. Therefore, Modified Alternative 2's project-level and cumulative impacts related to libraries are less than significant. Refer to pages IV.K.5-9 through IV.K.5-19 of Section IV.K.5, *Public Services—Libraries*, of the Draft EIR, and page 3-57 of Chapter 3, *Revisions, Clarifications and Corrections*, of the Final EIR.

Tribal Cultural Resources:

Modified Alternative 2's adherence to the City's standard Conditions of Approval ensures that implementation of Modified Alternative 2 does not cause a substantial change in the significance of a tribal cultural resource, as defined in Public Resources Code section 21047. Therefore, Modified Alternative 2's project-level and cumulative impacts related to tribal cultural resources are less than significant. Refer to pages IV.M-8 through IV.M-10 of Section IV.M, *Tribal Cultural Resources*, of the Draft EIR and to page 3-61 of Chapter 3, *Revisions, Clarifications and Corrections*, of the Final EIR.

Transportation:

For the reasons stated in the Traffic Study (Appendix L-2 to the Draft EIR) for the Project, with Modified Alternative 2's incorporation of PDF-TRAF-1, the Construction Traffic Management Plan, and PDF-TRAF-2, the Pedestrian Safety Plan, Modified Alternative 2's transportation, safety and access impacts during construction are less than significant. In addition, as demonstrative by the

analyses at pages 3-57 through 3-61 of Chapter 3, *Revisions, Clarifications and Corrections*, of the Final EIR, in Appendix C-4 to the Final EIR, and in Appendix L-3 to the Draft EIR, Modified Alternative 2 also has less than significant impacts with respect to conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities; Modified Alternative 2 does not substantially increase hazards due to a geometric design feature or incompatible uses; Modified Alternative 2 does not result in inadequate emergency access, either during construction or operation. For findings related to operational traffic and cumulative impacts, see Section V of these Findings.

Utilities and Service Systems—Water, Watershed, and Solid Waste:

Refer to pages IV.N.1-51 through IV.N.1-78 of Section IV.N.1, *Utilities and Service Systems—Water, Watershed, and Solid Waste*, of the Draft EIR and to pages 3-61 through 3-65 of Section 2(d), Modified Alternative 2 Environmental Impacts, in Chapter 3, *Revisions, Clarifications and Corrections*, of the Final EIR. Modified Alternative 2 does not require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction of which would cause significant environmental effects; does not result in insufficient water supplies available to serve Modified Alternative 2 and reasonably foreseeable future development during normal, dry and multiple dry years; does not result in a determination by the wastewater treatment provider that serves or may serve Modified Alternative 2 that it has inadequate capacity to serve Modified Alternative 2's projected demand in addition to the provider's existing commitments; does not generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure or otherwise impair the attainment of solid waste reduction goals; and complies with federal, State, and local management and reduction statutes and regulations related to solid waste. Therefore, Modified Alternative 2's project-level and cumulative impacts related to water, watershed and solid waste are less than significant.

Utilities and Service Systems—Energy Infrastructure:

Refer to pages IV.N.2-7 through IV.N.2-12 of Section IV.N.2, *Utilities and Service Systems—Energy Infrastructure*, of the Draft EIR and pages 3-65 through 3-66 of Section 2(d), Modified Alternative 2 Environmental Impacts, in Chapter 3, *Revisions, Clarifications and Corrections*, of the Final EIR. Modified Alternative 2 does not result in an increase in demand for electricity or natural gas that exceeds available supply or distribution infrastructure capabilities that would result in the construction of new energy facilities or expansion of existing facilities, the construction or relocation of which would cause significant environmental impacts; and does not adversely affect the electrical infrastructure serving the surrounding uses or utility system capacity. Therefore, Modified Alternative 2's project-level and cumulative impacts related to energy infrastructure are less than significant.

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

The City determined, in the EIR, that Modified Alternative 2 has potentially significant environmental impacts in the areas discussed below, and 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, Modified Alternative 2 will not have any significant environmental impacts in these areas, as long as all identified feasible mitigation measures are incorporated into Modified Alternative 2. The City again ratifies, adopts and incorporates the full analysis, explanation, findings, responses to comments, and conclusions

of the EIR.

Air Quality

Impact Summary

Construction Emissions

Violation of Air Quality Standard/Emissions

R*egional Emissions – Cumulatively Considerable Net Increase of Any Criteria Pollutant For Which the Region is in Non-Attainment*

As demonstrated by the analyses on pages IV.B-66 through IV.B-69 of Section IV.B, *Air Quality*, of the Draft EIR, pages 3-32 through 3-33 of Chapter 3, *Revisions, Clarifications and Corrections*, of the Final EIR, and Appendix C-1 of the Final EIR, construction of Modified Alternative 2 can generate temporary criteria pollutant emissions through the use of heavy-duty construction equipment, such as excavators and forklifts, at the Project Site, through vehicle trips generated by workers and materials and haul trucks traveling to and from the Project Site, and through building activities at the Project Site, such as the application of paint and other surface coatings. In addition, fugitive dust emissions result from demolition and various soil-handling activities. Mobile source emissions, primarily NO_X, result from the use of construction equipment such as dozers and loaders, and from construction traffic. Construction emissions vary substantially from day to day, depending on the level of activity, the specific type of construction activity, and prevailing weather conditions.

Pages IV.B-66 through IV.B-69 of Section IV.B, *Air Quality*, of the Draft EIR, describes the Project's maximum daily emissions. The emissions calculations incorporate compliance with applicable dust control measures required to be implemented during each phase of construction by SCAQMD Rule 403 (Control of Fugitive Dust).

Table IV.B-6 of the Draft EIR reports the results of the criteria pollutant calculations for the Project, showing that the Project's construction NO_X emissions exceed the SCAQMD threshold of significance and result in a potentially significant impact, but that all other Project emissions are below the applicable SCAQMD's thresholds. As compared to the Project, Modified Alternative 2 includes fewer total parking spaces and therefore requires less excavation for its parking. Modified Alternative 2 also eliminates the Project's Building 2 and the excavation activities associated with it. Therefore, Modified Alternative 2 requires less excavation and therefore creates fewer impacts related to dust, haul truck, and equipment emissions than the Project. Even so, it is conservatively concluded that Modified Alternative 2's worst construction day NO_X emissions would be similar to that reported for the Project in Table IV.B-6 and are significant. Therefore, mitigation for Modified Alternative 2's construction NO_X emissions is required. As shown below, Modified Alternative 2's incorporation of Mitigation Measure MM-AQ-1 reduces this impact to a less than significant level.

Toxic Air Contaminant (TAC) Emissions

As set forth on pages IV.B-72 through IV.B-74 of Section IV.B, *Air Quality,* of the Draft EIR, pages 3-32 to 3-33,Chapter 3, *Revisions, Clarifications and* Corrections, of the Final EIR, and Appendix C-1 of the Final EIR, temporary TAC emissions associated with DPM emissions from heavy construction equipment will occur during the construction of Modified Alternative 2. However, construction is a temporary condition and short-term; construction is estimated to extend over

only 22 months, and of those 22 months, the construction phases requiring the most heavy-duty diesel vehicle usage (such as site grading/excavation) will last for a much shorter time (e.g., approximately five months). Therefore, construction of Modified Alternative 2 does not result in a long-term resident exposure, or lifetime exposure, to TAC emissions associated with DPM emissions, and, therefore, does not result in significant impacts resulting from construction TAC emissions. Modified Alternative 2's compliance with the applicable 2016 AQMP requirements for control strategies and with the CARB Air Toxics Control Measure will minimize TAC emissions during Modified Alternative 2 construction. In addition, there will be no residual emissions or corresponding individual cancer risk after construction is completed.

As discussed in subsection IV.B.3.(b)(5), *Methodology – Toxic Air Contaminant Impacts*, of the Draft EIR, while a quantified HRA is not required to be conducted, for informational purposes and in light of the fact that the Project is an ELDP, a quantitative construction HRA was prepared to evaluate the Project's potential to result in health risk impacts. The results of this AERMOD dispersion modeling are summarized in Table IV.B-10, *Estimated Maximum Construction Health Risk Impacts*, at page IV.B- 73 of the Draft EIR, which shows that the Project results in an unmitigated cancer risk of approximately 10.4 in one million., but a mitigated cancer risk of approximately 0.47 with implementation of Mitigation Measure MM-AQ-1, which is well below the 10 in one million threshold of significance for the maximum impacted air quality-sensitive receptors. The unmitigated non-cancer chronic hazard index is approximately 0.46, which is below the 1.0 threshold of significance for the maximum impacted air quality sensitive receptors. As discussed on pages 3-32 through 3-33 of Chapter 3, *Revisions, Clarifications and Corrections*, of the Final EIR, and in Appendix C-1 of the Final EIR, as compared to the Project, Modified Alternative 2 requires fewer parking spaces and thus requires the construction of a smaller and shallower structure for parking, and also eliminates the Project's Building 2 and associated excavation; these modifications reduce the usage of TAC-emitting construction equipment as compared to the Project. Even so, to be conservative, it is concluded that Modified Alternative 2 results in an unmitigated cancer risk of approximately 10.4 in one million, but a mitigated cancer risk of approximately 0.47 with implementation of Mitigation Measure MM-AQ-1, which is well below the 10 in one million threshold of significance for the maximum impacted air quality-sensitive receptors, and an unmitigated non-cancer chronic hazard index of approximately 0.46, which is below the 1.0 threshold of significance for the maximum impacted air quality sensitive receptors. Therefore, although the health risk modeling analysis is provided for informational purposes only, it demonstrates that with implementation of Mitigation Measure MM-AQ-1, Modified Alternative 2's TAC emissions from construction activities do not expose sensitive receptors to substantial TAC concentrations with implementation of Mitigation Measure MM-AQ-1.

The qualitative assessment, as well as the health risk modeling, provide substantial evidence that TAC emissions from construction activities do not expose sensitive receptors to substantial TAC concentrations. Thus, although the health risk modeling analysis is provided for informational purposes only, it demonstrates that construction activities under Modified Alternative 2 with incorporation of MM-AQ-1 do not expose sensitive receptors to substantial TAC concentrations.

Cumulative

Construction – Regional Criteria Pollutant Emissions

For the reasons discussed on pages IV.B-38 through IV.B-40 of Section IV.B, *Air Quality*, of the Draft EIR, the City has determined to rely on the SCAQMD thresholds using the SCAQMD's recommended methodology to determine the cumulative impacts of a development project (see

CEQA Guidelines Section 15064.7(c)). As shown in Table IV.B-6 on page IV.B-67 of Section IV.B, *Air Quality*, of the Draft EIR, like the Original Project, Modified Alternative 2's unmitigated construction daily emissions of NO_X exceed the SCAQMD threshold of significance and result in a potentially significant impact.

Construction – TAC Emissions

For the reasons discussed on pages IV.B-38 through IV.B-40 of Section IV.B, *Air Quality*, of the Draft EIR, the City has determined to rely on the SCAQMD thresholds using the SCAQMD's recommended methodology to determine the cumulative impacts of a development project (see CEQA Guidelines Section 15064.7(c)). For the reasons discussed on pages IV.B-72 and IV.B-73 of Section IV.B, *Air Quality*, of the Draft EIR, at pages 3-32 through 3-33 of Chapter 3, *Revisions, Clarifications and Corrections*, of the Final EIR, and Appendix C-1 of the Final EIR, the qualitative assessment of Modified Alternative 2's temporary TAC emissions associated with DPM emissions from the heavy construction equipment used most during Modified Alternative 2's construction, and most intensively during grading and excavation, concludes that Modified Alternative 2's short-term TAC emissions during construction are less than significant. Additionally, Modified Alternative 2 complies with regulatory and legal requirements that also reduce its TAC emissions during construction, and there will be no residual emissions or corresponding cancer risk after construction concludes.

According to the results of the construction phase health risk modeling conducted for the Project for informational purposes, as shown in Table IV.B-10, *Estimated Maximum Construction Health Risk Impacts*, on page IV.B-73 of Section IV.B, *Air Quality*, of the Draft EIR, and as discussed on pages 3-32 through 3-33 of Chapter 3, *Revisions, Clarifications and Corrections*, of the Final EIR, and Appendix C-1 of the Final EIR, like the Project, Modified Alternative 2 results in an unmitigated cancer risk of approximately 10.4 in one million, but a mitigated cancer risk of approximately 0.47 with implementation of Mitigation Measure MM-AQ-1, which is well below the 10 in one million threshold of significance for the maximum impacted air quality-sensitive receptors, and an unmitigated non-cancer chronic hazard index of approximately 0.46, which is below the 1.0 threshold of significance for the maximum impacted air quality sensitive receptors. Therefore, although the health risk modeling analysis is provided for informational purposes only, it demonstrates that with implementation of Mitigation Measure MM-AQ-1, Modified Alternative 2's TAC emissions from construction activities do not expose sensitive receptors to substantial TAC concentrations with implementation of Mitigation Measure MM-AQ-1.

Therefore, both the qualitative assessment and the health risk assessment conclude that TAC emissions from construction activities will not expose sensitive receptors to substantial TAC concentrations. Thus, although the health risk modeling analysis is provided for informational purposes only, it demonstrates that construction activities under Modified Alternative 2 with incorporation of MM-AQ-1 will not expose sensitive receptors to substantial TAC concentrations. As such, cumulative construction TAC emissions impacts are less than significant.

Project Design Features

The following PDFs are incorporated into Modified Alternative 2 to reduce or avoid their air quality impacts.

PDF-AQ-1: **Green Building Measures:** The Project will be designed and operated to exceed the applicable requirements of the State of California Green Building Standards Code and the City of Los

Angeles Green Building Code.

Green building measures will include, but are not limited to the following:

- The Project will be designed to optimize energy performance and reduce building energy cost by a minimum of 5 percent for new construction compared to the Title 24 Building Energy Efficiency Standards (2016).
- The Project will be designed to optimize energy performance and reduce building energy cost by installing energy efficient appliances that meet the USEPA ENERGY STAR rating standards or equivalent.
- The Project will provide a minimum of 30 kilowatts of photovoltaic panels on the Project Site, unless additional kilowatts of photovoltaic panels become feasible due to additional area being added to the Project Site.
- The Project will reduce outdoor potable water use by a minimum of 20 percent compared to baseline water consumption as required in LAMC Section 99.04.304. Reductions would be achieved through drought-tolerant/California native plant species selection, irrigation system efficiency, alternative water supplies (e.g., stormwater retention for use in landscaping), and/or smart irrigation systems (e.g., weather-based controls).
- The Project will reduce indoor potable water use by a minimum of 20 percent compared to baseline or standard water consumption as defined in LAMC Section 99.04.303 by installing water fixtures that exceed applicable standards.
- The Project would not include fireplaces in the residential buildings.

In addition, as discussed in Section IV.F, *Greenhouse Gas Emissions*, of the Draft EIR, and page 3-42, Chapter 3, *Revisions, Clarifications and Corrections*, of the Final EIR, the following PDFs are incorporated into Modified Alternative 2 to reduce or avoid their greenhouse gas (GHG) emissions and will also reduce or avoid their air quality impacts:

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

PDF GHG-2: At least 20 percent of the total code-required parking spaces provided for all types of parking facilities shall be capable of supporting future electric vehicle supply equipment (EVSE). Plans shall indicate the proposed type and location(s) of EVSE and also include raceway method(s), wiring schematics and electrical calculations to verify that the electrical system has sufficient

capacity to simultaneously charge all electric vehicles at all designated EV charging locations at their full rated amperage. Plan design shall be based upon Level 2 or greater EVSE at its maximum operating capacity. Only raceways and related components are required to be installed at the time of construction. When the application of the 20-percent requirement 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.

PDF GHG-3: At least 5 percent of the total code-required parking spaces shall be equipped with EV charging stations. Plans shall indicate the proposed type and location(s) of charging stations. Plan design shall be based on Level 2 or greater EVSE at its maximum operating capacity. When the application of the 5-percent requirement results in a fractional space, round up to the next whole number.

Mitigation Measures.

The following mitigation measure is identified for Modified Alternative 2 to reduce potentially significant project-level and cumulative air quality impacts to a less than significant level.

MM-AQ-1: Construction Measures: The Project shall utilize off-road diesel-powered construction equipment that meets the CARB and USEPA Tier 4 Final off-road emissions standards for equipment rated at 50 hp or greater during Project construction. To the extent possible, pole power shall be made available for use with electric tools, equipment, lighting, etc. These requirements shall be included in applicable bid documents and successful contractor(s) must demonstrate the ability to supply such equipment. A copy of each unit's certified tier specification or model year specification and CARB or SCAQMD operating permit (if applicable) shall be available upon request at the time of mobilization of each applicable unit of equipment.

Finding

Pursuant to Public Resources Code section 21081(a)(1), changes or alterations have been required in, or incorporated into, Modified Alternative 2 that avoid or substantially lessen the significant impacts as identified in the EIR.

Rationale for Finding

Construction Emissions

Violation of Air Quality Standard/Emissions

Regional Emissions – Cumulatively Considerable Net Increase of Any Criteria Pollutant For Which the Region is in Non-Attainment

As discussed on pages 3-32 through 3-33 of Chapter 3, *Revisions, Clarifications and Corrections*, of the Final EIR and in Appendix C-1 of the Final EIR, during Modified Alternative 2's construction phase, NO_X emissions can exceed the SCAQMD threshold of significance for NO_X and result in

a potentially significant impact, as shown in Table IV.B-6, *Estimated Unmitigated Maximum Regional Construction Emissions*, on page IV.B-67 of Section IV.B, *Air Quality*, of the Draft EIR; however, this impact is reduced to less than significant with implementation of Mitigation Measure MM-AQ-1, as shown in Table IV.B-7, *Estimated Mitigated Maximum Regional Construction Emissions*, on page IV.B-69 of Section IV.B, *Air Quality*, of the Draft EIR. Mitigation Measure MM-AQ-1 requires Modified Alternative 2 to utilize off-road diesel-powered construction equipment that meets or exceeds the CARB and USEPA Tier 4 Final off-road emissions standards for equipment rated at 50 horsepower or greater during Project construction. Implementation of MM-AQ-1 would reduce emissions of VOC, NO_X, PM10, and PM2.5.

As demonstrated by the discussion and authorities cited on page IV.B-68 of Section IV.B of the Draft EIR, and as shown by the information reported in Table IV.B-7, the level of emissions reductions achieved by Modified Alternative 2 from its implementation of MM-AQ-1 is consistent with the overall stringency of the Tier 4 Final off-road emissions standards. Modified Alternative 2's implementation of Mitigation Measure MM-AQ-1 reduces DPM emissions from the construction equipment by 81 to 96 percent as compared to equipment meeting the less stringent Tier 2 off-road emissions standards, depending on the specific horsepower rating of each piece of equipment. Furthermore, Modified Alternative 2 complies with fleet rules to reduce on-road truck emissions (i.e., 13 CCR, Section 2025 (CARB Truck and Bus regulation)). Compliance with these requirements and incorporation of these controls further ensures that Modified Alternative 2 meets or exceeds the AQMP requirements for control strategies intended to reduce emissions from construction equipment and activities.

Implementation of Mitigation Measure MM- AQ-1 also reduces emissions of VOC, NO_X, PM10, and PM2.5, but leaves emissions of SO_X unchanged. Implementation of Mitigation Measure MM-AQ-1 increases emissions of CO due to the engine technology involved in reducing NO_X emissions; however, even at that level, Modified Alternative 2's CO emissions are still below the significance threshold.

Therefore, potential NO_X emission impacts during construction are less than significant with incorporated mitigation measures.

TAC Emissions

As demonstrated by the qualitative analysis on pages IV.B-72 and IV.B-73 of Section IV.B, *Air Quality,* of the Draft EIR, pages 3-32 to 3-33 of Chapter 3, *Revisions, Clarifications and Corrections*, of the Final EIR, and Appendix C-1 of the Final EIR, Modified Alternative 2's temporary TAC emissions associated with Diesel Particulate Matter (DPM) emissions from heavy construction equipment are less than significant because of the short length of construction (22 months total) and the even shorter time during which the heavy construction equipment will be most extensively used, because of Modified Alternative 2's compliance with the applicable 2016 AQMP requirements for control strategies and with the CARB Air Toxics Control Measure that will minimize TAC emissions during construction, and because there will be no residual emissions or corresponding individual cancer risk after construction is completed.

As demonstrated by the quantitative construction health risk assessment conducted for the Project for informational purposes discussed on pages IV.B-73 and IV.B-74 of Section IV.B, *Air Quality*, of the Draft EIR, as reported in Table IV.B-10, *Estimated Maximum Construction Health Risk Impacts*, on page IV.B- 73 of the Draft EIR, the Project results in an unmitigated cancer risk of approximately 10.4 in one million, but a mitigated cancer risk of approximately 0.47 with implementation of Mitigation Measure MM-AQ-1, which is well below the 10 in one million

threshold of significance for the maximum impacted air quality-sensitive receptors. The Project results in an unmitigated non-cancer chronic hazard index of approximately 0.46, which is below the 1.0 threshold of significance for the maximum impacted air quality sensitive receptors.

As discussed on pages 3-32 to 3-33 of Chapter 3, *Revisions, Clarifications and Corrections*, of the Final EIR, and in Appendix C-1 of the Final EIR, as compared to the Project, Modified Alternative 2 requires fewer parking spaces and thus requires the construction of a smaller and shallower structure for parking, and also eliminates the Project's Building 2 and associated excavation; these modifications reduce the usage of TAC-emitting construction equipment as compared to the Project. Even so, to be conservative, it is concluded that Modified Alternative 2 results in an unmitigated cancer risk of approximately 10.4 in one million, but a mitigated cancer risk of approximately 0.47 with implementation of Mitigation Measure MM-AQ-1, which is well below the 10 in one million threshold of significance for the maximum impacted air quality-sensitive receptors, and an unmitigated non-cancer chronic hazard index of approximately 0.46, which is below the 1.0 threshold of significance for the maximum impacted air quality sensitive receptors. Therefore, although the health risk modeling analysis is provided for informational purposes only, it demonstrates that with implementation of Mitigation Measure MM-AQ-1, Modified Alternative 2's TAC emissions from construction activities do not expose sensitive receptors to substantial TAC concentrations with implementation of Mitigation Measure MM-AQ-1.

As demonstrated by the discussion and authorities cited at page IV.B-68 of Section IV.B of the Draft EIR, and as shown by the information reported in Table IV.B-7, the level of emissions reductions achieved by Modified Alternative 2 from its implementation of MM-AQ-1 is consistent with the overall stringency of the Tier 4 Final off-road emissions standards. Most pertinent here, Modified Alternative 2's implementation of Mitigation Measure MM-AQ-1 reduces DPM emissions from the construction equipment by 81 to 96 percent as compared to equipment meeting the less stringent Tier 2 off-road emissions standards, depending on the specific horsepower rating of each piece of equipment. Furthermore, Modified Alternative 2 complies with fleet rules to reduce on-road truck emissions (i.e., 13 CCR, Section 2025 (CARB Truck and Bus regulation)). Compliance with these requirements and incorporation of these controls further ensures that Modified Alternative 2 meets or exceeds the AQMP requirements for control strategies intended to reduce emissions from construction equipment and activities.

Implementation of Mitigation Measure MM- AQ-1 also reduces emissions of VOC, NO_X, PM10, and PM2.5, but leaves emissions of SO_X unchanged. Implementation of Mitigation Measure MM-AQ-1 increases emissions of CO due to the engine technology involved in reducing NO_X emissions; however, even at that level, Modified Alternative 2's CO emissions are still below the significance threshold.

Therefore, TAC emissions from Modified Alternative 2's construction activities will not expose sensitive receptors to substantial TAC concentrations with implementation of Mitigation Measure MM-AQ-1, and impacts are less than significant as mitigated.

Cumulative Impacts

Construction – Regional Criteria Pollutant Emissions

For the reasons discussed on pages IV.B-38 through IV.B-40 of Section IV.B, *Air Quality*, of the Draft EIR, the City has determined to rely on the SCAQMD thresholds using the SCAQMD's recommended methodology to determine the cumulative impacts of a development project (see

CEQA Guidelines Section 15064.7(c)). As shown in Table IV.B-6 on page IV.B-67 of Section IV.B, *Air Quality*, of the Draft EIR, Modified Alternative 2's unmitigated construction daily emissions of NO_X exceed the SCAQMD threshold of significance and result in a potentially significant impact; however, this impact is reduced to less than significant with implementation of Mitigation Measure MM-AQ-1, as shown by Table IV.B-7 on page IV.B-69. Therefore, with mitigation, Modified Alternative 2's potential regional criteria pollutant construction emissions do not result in a cumulatively considerable net increase of any criteria pollutant for which Modified Alternative 2's region is in non-attainment under an applicable federal or State ambient air quality standard.

Therefore, Modified Alternative 2's contribution of construction NO_X emissions is not cumulatively considerable, and its potential cumulative impacts related to construction emissions are mitigated to less than significant.

Construction – TAC Emissions

For the reasons discussed on pages IV.B-38 through IV.B-40 of Section IV.B, *Air Quality*, of the Draft EIR, the City has determined to rely on the SCAQMD thresholds using the SCAQMD's recommended methodology to determine the cumulative impacts of a development project (see CEQA Guidelines Section 15064.7(c)). For the reasons discussed on pages IV.B-72 and IV.B-73 of Section IV.B, *Air Quality*, of the Draft EIR, at page 3-32 to 3-33 of Chapter 3, *Revisions, Clarifications and Corrections*, of the Final EIR, and Appendix C-1 of the Final EIR, the qualitative assessment of Modified Alternative 2's temporary TAC emissions associated with DPM emissions from the heavy construction equipment used most during Modified Alternative 2's construction, and most intensively during grading and excavation, concludes that Modified Alternative 2's short-term TAC emissions during construction are less than significant. Additionally, Modified Alternative 2 complies with regulatory and legal requirements that also reduce its TAC emissions during construction, and there will be no residual emissions or corresponding cancer risk after construction concludes.

According to the results of the construction phase health risk modeling conducted for the Project for informational purposes, as shown in Table IV.B-10, *Estimated Maximum Construction Health Risk Impacts*, at page IV.B-73 of Section IV.B, *Air Quality*, of the Draft EIR, and as discussed on pages 3-32 through 3-33 of Chapter 3, *Revisions, Clarifications and Corrections*, of the Final EIR, and Appendix C-1 of the Final EIR, like the Project, Modified Alternative 2 results in an unmitigated cancer risk of approximately 10.4 in one million, but a mitigated cancer risk of approximately 0.47 with implementation of Mitigation Measure MM-AQ-1, which is well below the 10 in one million threshold of significance for the maximum impacted air quality-sensitive receptors, and an unmitigated non-cancer chronic hazard index of approximately 0.46, which is below the 1.0 threshold of significance for the maximum impacted air quality sensitive receptors. Therefore, although the health risk modeling analysis is provided for informational purposes only, it demonstrates that with implementation of Mitigation Measure MM-AQ-1, Modified Alternative 2's TAC emissions from construction activities do not expose sensitive receptors to substantial TAC concentrations with implementation of Mitigation Measure MM-AQ-1.

Therefore, both the qualitative assessment and the health risk assessment conclude that TAC emissions from construction activities will not expose sensitive receptors to substantial TAC concentrations. Thus, although the health risk modeling analysis is provided for informational purposes only, it demonstrates that construction activities under Modified Alternative 2 with incorporation of MM-AQ-1 will not expose sensitive receptors to substantial TAC concentrations. As such, cumulative construction TAC emissions impacts are less than significant.

Therefore, TAC emissions from Modified Alternative 2's construction activities will not expose sensitive receptors to substantial TAC concentrations with implementation of Mitigation Measure MM-AQ-1, and impacts are less than significant as mitigated.

References

For a complete discussion of impacts associated with Air Quality, please see Section IV.B, *Air Quality*, of the Draft EIR; Appendix C-1 of the Draft EIR, *Air Quality Technical Appendix*; Appendix C-2 of the Draft EIR, *Freeway Health Risk Assessment*; Chapter 3, *Revisions, Clarifications and Corrections*, of the Final EIR; and Appendix C-1 of the Draft EIR.

Biological Resources

Impact Summary

Protected Tree Ordinance

Decorative/ornamental trees are located within the Project site or along the public street frontages facing the Project Site, including 10 private property trees, two City right-of-way trees, and seven trees that overhang the Project Site. According to the Updated Tree Report (see updated Tree Report, Appendix C-6 to the Final EIR), none of the private property species is considered protected under the City 's Protected Tree Ordinance (Chapter IV, Article 6 of the Los Angeles Municipal Code).

Modified Alternative 2 incorporates a landscape plan, which provides for planting numerous street trees (approximately 19), as well as new shrubs and groundcover, and replacement of all significant, non-protected trees at a 1:1 ratio. Therefore, Modified Alternative 2 does not conflict with local policies or ordinances protecting biological resources. However, implementation of clarifications to regulatory measures included in standard City Mitigations Measures IS-1 through IS-3, below, is incorporated to further ensures impacts are less than significant.

Mitigation Measures

The following mitigation measures are identified in the Initial Study to reduce potentially significant impacts on biological resources to a less than significant level.

MM-IS-1 Prior to the issuance of any permit, a plot plan shall be prepared indicating the location, size, type, and general condition of all existing trees on the site and within the adjacent public right(s)-of-way.

MM-IS-2 All significant (8-inch or greater trunk diameter, or cumulative trunk diameter if multi-trunked, as measured 54 inches above the ground) non-protected trees on the site proposed for removal shall be replaced at a 1:1 ration with a minimum 24-inch box tree. Net, new trees, located within the parkway of the adjacent public right(s)-of-way, may be counted toward replacement tree requirements.

MM-IS-3 Removal or planting of any tree in the public right-of-way requires approval of the Board of Public Works. Contact Urban Forestry Division at: 213-847-3077. All trees in the public right-of-way shall be provided per the current

standards of the Urban Forestry Division the Department of Public Works, Bureau of Street Services.

Finding

Pursuant to Public Resources Code section 21081(a)(1), changes or alterations have been required in, or incorporated into, the Modified Alternative 2 that avoid or substantially lessen the significant impacts as identified in the EIR.

Rationale For Finding

As set forth in Appendix A to the Initial Study (Appendix A-2 of the Draft EIR) and in Appendix C-6 to the Final EIR, the City's Street Tree Ordinance requires that all significant, non-protected trees be replaced at a 1:1 ratio. The number of ornamental street trees proposed by the Modified Alternative 2 exceeds those currently in place on the Project Site and required by the City's Street Tree Ordinance. Modified Alternative 2 construction will not affect trees on contiguous properties other than the trees to the south of the Project Site, which could be cut back over the Project Site property line or removed, subject to an agreement with the adjacent property owner. Implementation of Standard City Mitigation Measures MM-IS-1 through MM- IS-3 by Modified Alternative 2 ensures that a plot plan demonstrating a minimum 1:1 replacement ratio of existing significant trees is submitted to the City prior to the issuance of any permit; and that removal or planting of any tree in the public right-of-way obtains approval of the Board of Public Works. All other landscaping components comply with all LAMC requirements. Therefore, Modified Alternative 2 does not conflict with local policies or ordinances protecting biological resources. Implementation of standard City Mitigations Measures MM-IS-1 through MM-IS-3, below, ensures Modified Alternative 2's impacts are less than significant.

Reference

For a discussion of impacts associated with Biological Resources, please see Draft EIR, Chapter VI; Appendix A-2 of the Draft EIR, the Initial Study, pages B-6 through B-9 and Appendix A to the Initial Study, and Appendix C-6 of the Final EIR.

Cultural Resources

Impact Summary

Construction

Impacts on Archaeological Resources

As discussed on pages 3-34 through 3-38 of Chapter 3, *Revisions, Clarifications and Corrections*, of the Final EIR, Modified Alternative 2 includes demolition of the existing buildings (but retains the existing residences located at 1765 and 1771 N. Vista Del Mar Avenue) at the Project Site. However, Modified Alternative 2 involves the construction of only one and-a-half levels of subterranean parking, with excavation depths of a maximum of approximately 20 feet and approximately 40 feet for footings, slightly less than under the Project, and does not involve the construction of the Project's Building 2. Therefore, Modified Alternative 2 reduces the amount of excavation as compared to the Project. As set forth on page IV.C-39 of Section IV.C, *Cultural Resources*, of the Draft EIR, no known historic archaeological or prehistoric archaeological resources have been identified within or within a half-mile radius of the Project Site. However, there is a moderate potential that historic archaeological resources (e.g. refuse pits, privies,

structural remains, etc.) associated with the residence of Albert G. Bartlett, the owner of Bartlett Sheet Music in downtown Los Angeles, have been preserved below the foundations of the existing apartment buildings and below the surface parking lot within the Project Site. Therefore, Modified Alternative 2 creates potentially significant impacts to buried/unknown unique archaeological resources, and mitigation is required to reduce those impacts to a less than significant level. Mitigation measures MM-ARH-1 through MM-ARCH-3 are identified below.

Mitigation Measures

The following mitigation measures are identified for Modified Alternative 2 to reduce potentially significant impacts on cultural resources to a less than significant level.

MM-ARCH-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) to oversee an archaeological monitor who shall be present during construction excavations such as demolition, clearing/grubbing, grading, trenching, or any other construction excavation activity associated with Modified Alternative 2. The frequency of monitoring shall be based on the rate of excavation and grading activities, the materials being excavated (younger sediments vs. older sediments), and 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 ceased entirely, if determined adequate by the qualified Archaeologist. Prior to commencement of excavation activities, an Archaeological Sensitivity Training shall be given for construction personnel. 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 the procedures to be followed in such an event.

MM-ARCH-2: In the event that historic (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. An appropriate buffer area shall be established by the qualified Archaeologist around the find where construction activities shall not be allowed to continue. Work shall be allowed to 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. 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 preservation in place is not feasible, treatment may include implementation of archaeological data recovery excavations to remove the resource along with subsequent laboratory processing and analysis. Any archaeological material collected shall be curated at a public, non-profit institution with a research interest in the materials, such as the Fowler Museum, 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.

MM-ARCH-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 and CEQA. 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.

Finding

Pursuant to Public Resources Code section 21081(a)(1), changes or alterations have been required in, or incorporated into, Modified Alternative 2 that avoid or substantially lessen the significant impacts as identified in the EIR.

Rationale For Finding

Construction

Impacts on Archaeological Resources

For the reasons discussed in Section IV.C, *Cultural Resources*, of the Draft EIR, implementation of Mitigation Measures MM-ARCH-1 through MM-ARCH-3, inclusive, which provide for archeological monitoring during construction overseen by a qualified Archeologist, the cessation or diversion of ground-disturbing activities should archeological resources be encountered, and appropriate treatment and/or preservation of resources, if encountered, ensure Modified Alternative 2 would not cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5 or Public Resources Code Section 21083.2, should such a resource be encountered during construction. Potentially significant impacts to archaeological resources are reduced to a less than significant level. Cumulative impacts are also less than significant.

Therefore, potential impacts to archeological resources during construction are less than

significant with incorporated mitigation measures.

References

For a complete discussion of impacts associated with Cultural Resources, please see pages IV.C-1 through IV.C-25, IV.C-32 through IV.C-37 and IV.C-40 through IV.C-43 of Section IV.C, *Cultural Resources*, of the Draft EIR, pages IV.I-14 through IV.I-24 of Section IV.I, *Noise*, of the Draft EIR, Appendix D-1 of the Draft EIR; pages 3-6 through 3-7 and3-34 through 3-38 of Chapter 3, *Revisions, Clarifications and Corrections*, of the Final EIR; Appendix C-1 and C-2 of the Final EIR.

Geology

Impact Summary

Construction

Paleontological Resource or Site or Unique Geological Feature

As set forth in Chapter IV.E, *Geology and Soils*, of the Draft EIR, and Chapter 3, *Revisions, Clarifications and Corrections*, of the Final EIR, the Project Site contains potentially fossiliferous older Quaternary alluvial fan and fluvial deposits that underlie surficial deposits. Although it requires less excavation than the Original Project due to its elimination of the Project's Building 2 and includes only one and one-half subterranean parking levels, Modified Alternative 2 includes excavation to potential depths of approximately 20 feet below surface for the subterranean parking levels, with footings extending down to approximately 40 feet below ground surface. Therefore, like the Original Project, grading and excavation in older Quaternary Alluvium deposits for Modified Alternative 2 could result in potentially significant impacts on paleontological resources, although its impacts would be less than the Original Project's impacts. Therefore, Mitigation Measures MM-PALEO-1 through MM-PALEO-3 are identified to reduce Modified Alternative 2's potentially significant project-level impacts to buried/unknown paleontological resources to a less than significant level, and ensure that the cumulative effects of Modified Alternative 2 together with related projects are less than significant.

Mitigation Measures

The following mitigation measures are identified for Modified Alternative 2 to reduce potentially significant impacts on buried/unknown paleontological resources to a less than significant level.

MM-PALEO-1: Prior to the issuance of a demolition permit, the Applicant shall retain a qualified Paleontologist meeting the Society of Vertebrate Paleontology (SVP) Standards (SVP, 2010) to develop and implement a paleontological monitoring program for construction excavations that would encounter the fossiliferous older Quaternary alluvium deposits (associated with sediments below five feet deep across the Project Site). The Qualified Paleontologist shall attend a pre-grade meeting to discuss a paleontological monitoring program. The Qualified Paleontologist shall supervise a paleontological monitor who shall be present during construction excavations into older Quaternary alluvium deposits. Monitoring shall consist of visually inspecting fresh exposures of rock for larger fossil remains and, where appropriate, collecting wet or dry screened sediment

samples of promising horizons for smaller fossil remains. The frequency of monitoring inspections shall be determined by the Qualified Paleontologist and shall be based on the rate of excavation and grading activities, proximity to known paleontological resources or fossiliferous geologic formations (i.e., older Quaternary alluvium deposits), the materials being excavated (i.e., native sediments versus artificial fill), and the depth of excavation, and if found, the abundance and type of fossils encountered. Full-time monitoring can be reduced to part-time inspections or ceased entirely if determined adequate by the qualified Paleontologist.

MM-PALEO-2: If a potential fossil is found, the paleontological monitor shall be allowed to temporarily divert or redirect grading and excavation activities in the area of the exposed fossil to facilitate evaluation of the discovery. An appropriate buffer area shall be established by the Qualified Paleontologist around the find where construction activities shall not be allowed to continue. Work shall be allowed to continue outside of the buffer area. At the qualified Paleontologist's discretion and to reduce any construction delay, the grading and excavation contractor shall assist in removing rock samples for initial processing and evaluation of the find. If preservation in place is not a feasible treatment measure, the Qualified Paleontologist shall implement a paleontological salvage program to remove the resources from the Project Site. Any fossils encountered and recovered shall be prepared to the point of identification and catalogued before they are submitted to their final repository. Any fossils collected shall be curated at a public, non-profit institution with a research interest in the materials, such as the Los Angeles County Natural History Museum, if such an institution agrees to accept the fossils. If no institution accepts the fossil collection, they shall be donated to a local school in the area for educational purposes. Accompanying notes, maps, and photographs shall also be filed at the repository and/or school.

MM-PALEO-3: Prior to the release of the grading bond, the Qualified Paleontologist shall prepare a report summarizing the results of the monitoring and salvaging efforts, the methodology used in these efforts, as well as a description of the fossils collected and their significance. The report shall be submitted by the Applicant to the City, the Natural History Museum of Los Angeles County, and representatives of other appropriate or concerned agencies to signify the satisfactory completion of the Project and required mitigation measures.

Finding

Pursuant to Public Resources Code section 21081(a)(1), changes or alterations have been required in, or incorporated into, Modified Alternative 2 that avoid or substantially lessen the significant impacts as identified in the EIR.

Rationale For Finding

Modified Alternative 2 would not directly or indirectly destroy a unique geological feature. As discussed in Chapter IV.E, *Geology and Soils*, of the Draft EIR, Mitigation Measures MM-PALEO-1 through MM-PALEO-3, inclusive, require *inter alia*: retention of a qualified paleontologist to develop, implement and supervise a paleontological monitoring program for construction excavations; if a potential fossil is found, the paleontological monitor to temporarily divert or redirect grading and excavation activities in the area and establish a buffer area for initial processing and evaluation; if preservation in place is not a feasible treatment measure, the Qualified Paleontologist to implement a paleontological salvage program to remove the resources from the Project Site; and the preparation of a report summarizing the result of the monitoring and salvaging efforts, the methodology used, as well as a description of the fossils collected and their significance to be submitted to the appropriate or concerned agencies prior to the release of the grading bond.

As discussed at pages 3-41 of Chapter 3, *Revisions, Clarifications and Corrections*, of the Final EIR, Modified Alternative 2's impacts related to excavation and the discovery of paleontological resources would be reduced as compared to the Original Project. The implementation of Mitigation Measures MM-PALEO-1 through MM-PALEO-3, inclusive, are consistent with Society of Vertebrate Paleontology's "Standard Procedures for the Assessment and Mitigation of Adverse Impacts to Paleontological Resources" (2010), would provide for avoidance and recovery of resources if an inadvertent encounter were to occur. Therefore, implementation of Mitigation Measures MM-PALEO-1 through MM-PALEO-3 ensures Modified Alternative 2's potentially significant project-level impacts to paleontological resources are reduced to a less than significant level, and that the cumulative effects of Modified Alternative 2 together with related projects are less than significant.

References

For a complete discussion of impacts associated with Paleontological Resources, please see Section IV.E, *Geology and Soils*, of the Draft EIR, Appendix D-3 of the Draft EIR; and Chapter 3, *Revisions, Clarifications and Corrections*, of the Final EIR.

Noise

Impact Summary

Construction Noise

Groundborne Vibration Regarding Building Damage

As discussed on pages IV.I-14 through IV.I-24 of Section IV.I, *Noise*, of the Draft EIR, existing noise sensitive uses are located on and within 500 feet of the Project Site, as shown in **Figure IV.I-2**, *Noise Measurement Locations and Existing Noise Sensitive Locations*, on page IV.I-16. Certain of these uses include, among others, the off-site adjacent non-engineered timber and masonry residential structures on Vista Del Mar Avenue that are identified as contributors to the Vista del Mar/Carlos Historic District, as shown in **Figure IV.C-1**, *Historic Resources Adjacent to the Project Site*, and discussed on pages IV.C-12 through IV.C-25 of Section IV.C, *Cultural Resources*, and pages IV.I-23 and IV.I-24 of Section IV.I, *Noise*, of the Draft EIR and pages 3-2 through 3-4of Chapter 3, *Revisions, Clarifications and Corrections*, of the Final EIR.

As discussed on pages 3-16 through 3-18, 3-34 through 3-38, and 3-44 through 3-45 of Chapter 3, *Revisions, Clarifications and Corrections*, of the Final EIR, because Modified Alternative 2 eliminates construction of Building 2 and instead retains the residences at 1765 and 1771 Vista Del Mar Avenue, construction of Modified Alternative 2 does not require using heavy construction equipment that would cause groundborne vibration impacts within at least 20 feet of the nearest adjacent contributor to the Vista del Mar/Carlos Historic District located at 1761-63 Vista del Mar Avenue. At 20 feet, the maximum vibration level from the construction equipment needed for Modified Alternative 2 construction would be 0.124 PPV, which is well below the significance threshold of 0.2 PPV. (See Final EIR, Appendix C-1.) Therefore, Modified Alternative 2 creates less than significant groundborne vibration impacts to off-site structures, and neither MM-NOI-3 or MM-NOI-4 identified for the Original Project in the Draft EIR and revised and clarified in the Final EIR is required. Even so, to be conservative and to ensure additional protection to contributors to the Vista del Mar/Carlos Historic District, Modified Alternative 2 retains the mitigation measures identified for the Project in the Draft EIR, MM-NOI-3 and MM-NOI-4.

Operational

Emergency Generator

As demonstrated by the analysis for the Original Project in Section IV.I, *Noise*, of the Draft EIR, operational noise impacts related to the Original Project's emergency generator will be potentially significant at the nearest off-site sensitive receptors (represented by measurement/sensitive receptor locations R1 and R4) located 155 feet and 200 feet away, respectively, and identified in **Figure IV.I-2**, *Noise Measurement Locations and Existing Noise Sensitive Receptor Locations*, on page IV.I-16. Similar to the Original Project, Modified Alternative 2's emergency generator is also anticipated to be located on the P1 level of Building 1, approximately 75 feet from Argyle Avenue and along the southern perimeter of Building 1. Its emergency generator is also assumed to be rated at approximately 250 kilowatts (approximately 335 horsepower). Modified Alternative 2's emergency generator will be used in the event of a power outage, and periodically for maintenance and testing for up to 50 hours per year in accordance with South Coast Air Quality Management District Rule 1470.

Based on a noise survey that was conducted for an equivalent generator by ESA, noise from the Original Project and Modified Alternative 2's emergency generator is expected to be approximately 96 dBA (L_{eq}) at 25 feet, which would be approximately 80 dBA at 155 feet (R1 locations) and 78 dBA at 200 feet (R4 locations), and which would exceed the existing ambient noise levels at these locations. The combined noise level from the emergency generator plus the existing ambient noise levels (65 dBA at R1, and 56 dBA at R4) would be approximately 80 dBA at R1 locations and 78 dBA at R4 locations, which would exceed the significance threshold. Therefore, noise impacts would be potentially significant at the nearest noise sensitive receptors (R1 and R4 locations) located 155 feet and 200 feet away, respectively, and mitigation would be required. Implementation of Mitigation Measure MM-NOI-5, identified below, by Modified Alternative 2 would reduce this impact to less than significant.

The off-site residential uses and hotel uses on the north side of Yucca Street (represented by measurement/sensitive receptor location R2) located approximately 160 feet from the emergency generator and the residential uses to the east and southeast of the Project Site along Vista Del Mar Avenue (represented by measurement/sensitive receptor location R3) located approximately 300 feet from the emergency generator, while located near to the Project Site, would not have a

line-of-sight to the emergency generator. For locations R2 and R3, Modified Alternative 2's building would act as a noise enclosure and substantially shield the emergency generator noise by at least 34 dBA. Given distance attenuation and noise shielding effects, the emergency generator noise at R2 locations would be 46 dBA L_{eq} and at R3 locations would be 40 dBA L_{eq}, respectively, which would not exceed the ambient noise levels at R2 and R3 locations of 61 dBA and 58 dBA, respectively.

Composite Noise

Section IV.I, *Noise*, of the Draft EIR conservatively assesses the combined noise from the Original Project's various noise sources (i.e., composite noise level) to ascertain the maximum potential Original Project-related noise level increase that may occur at the noise-sensitive receptor locations identified on **Figure IV.I-2**, *Noise Measurement Locations and Existing Noise Sensitive Receptor Locations*, on page IV.I-16 of Section IV.I, *Noise*, of the Draft EIR. Similar to the Original Project, noise sources associated with the Modified Alternative 2 would include traffic on nearby roadways, automobile movement noise in the parking structures, outdoor/open space noise, loading dock and refuse service areas, emergency generator, and on-site mechanical equipment. The maximum composite noise impacts are generally expected near the Project Site boundary. As shown in Table 3-4, *Unmitigated Composite Noise Levels at Sensitive Receptor Locations R1, R2, R3 and R4 from Modified Alternative 2 Operation*, on page 3-51 in Chapter 3, *Revisions, Clarifications and Corrections*, of the Final EIR, the composite noise levels are dominated by the emergency generator, which would be located on P1 level of Modified Alternative 2's building, approximately 75 feet from Argyle Avenue and along the southern perimeter of the Building. The maximum composite noise impacts are expected to occur at noise-sensitive receptors at locations R1 and R4. Location R1 represents uses located across Argyle Avenue that could experience composite noise from the emergency generator, Podium Courtyard (6th level), roof garden (30th level), and parking access, as well as from traffic on Argyle Avenue. Location R4 represents uses located adjacent to the south of the Project Site that could experience composite noise from the Modified Alternative 2's emergency generator, Podium Courtyard (6th level), roof garden (30th level), and parking access, as well as from traffic on Vista Del Mar and Carlos Avenue. Locations R2 and R3 to the north and east of the Project Site would be less affected by composite noise, even though they experience open space noise from the park space (2nd level), because the Modified Alternative 2 building would provide a buffer from composite noise from the emergency generator and also would be situated further away from the podium courtyard (for R3) and the parking access (for R2).

As shown in Table 3-4, the composite noise levels from the operation of Modified Alternative 2 would be up to 80.2 dBA at the R1 location, up to 63.5 dBA at the R2 location, up to 61.5 dBA at the R3 location, and up to 78.1 dBA at the R4 location, largely based on conservative noise level assumptions for the emergency generator and conservatively using the Project-related peak hour traffic noise levels, even though Modified Alternative 2's peak hour traffic noise levels are lower. The noise levels generated by mechanical equipment and by the loading dock and refuse collection areas were assumed to be the same for Modified Alternative 2 as for the Original Project, since the size and location of these noise sources are assumed to be similar for the Original Project and Modified Alternative 2.

Overall, relative to the existing noise environment, the Modified Alternative 2 is estimated to increase the ambient noise level by approximately 15.2 dBA at the residences to the west (R1 location) along Argyle Avenue, approximately 2.5 dBA to the hotel and residential uses to the north (R2 location) along Yucca Street, approximately 3.5 dBA to the residential uses to the east (R3 location) along Vista Del Mar, and by approximately 22.1 dBA at the residences to the south

along Carlos Avenue (R4 location). The increase in unmitigated noise levels at R2 and R3 locations would not exceed the significance threshold of an increase of 5 dBA, but would be above the applicable increase of 5 dBA at R1 and R4 locations. This analysis conservatively assumes that Modified Alternative 2's operational noise sources would generate maximum noise levels simultaneously. Therefore, as with the Original Project, the unmitigated composite noise level impact on sensitive receptors due to the Modified Alternative 2's future operations are potentially significant, and mitigation is required. Mitigation Measure MM- NOI-5, identified below, reduces this impact to less than significant.

Project Design Features

The following PDFs are incorporated into the Project to reduce its potential noise impacts The Applicant has incorporated the following Project Design Features (PDFs) into the Modified Alternative 2 to reduce its potential construction noise impacts.

PDF-NOI-1: Generators used during the construction process will be electric or solar powered. Solar generator and electric generator equipment shall be located as far away from sensitive uses as feasible.

PDF-NOI-2: The Project will not use impact pile drivers and will not allow blasting during construction activities.

Mitigation Measures

The following mitigation measures are identified for Modified Alternative 2 to reduce potentially significant construction groundborne vibration impacts to off-site structures and operational composite noise impacts to less than significant.

MM-NOI-1: **Construction Noise Barriers**: The Project shall provide a temporary 15-foot tall construction noise barriers (i.e., wood, sound blanket) between the Project construction site and residential development along the entire south, west, and east boundaries of the Project Site, achieving a performance standard of a 15 dBA noise level reduction. At plan check, building plans shall include documentation prepared by a noise consultant verifying compliance with this measure. The temporary noise barriers shall be used during early Project construction phases (up to the start of framing) when the use of heavy equipment is prevalent.

MM-NOI-2: Heavy construction equipment such as a large dozer, a large grader, and a large excavator shall not operate within 15 feet from the nearest single-family residential building adjacent to the Project Site along Vista Del Mar Avenue (R3). Small construction equipment such as a small dozer, a small excavator, and a small grader shall be permitted to operate within 15 feet from the nearest single-family residential building adjacent to the Project Site along Vista Del Mar Avenue (R3). The Applicant shall designate a construction relations officer to serve as a liaison with the nearest single-family residential buildings (R3). The liaison shall be responsible for responding to concerns regarding construction groundborne vibration within 24 hours of receiving a complaint. The

liaison shall ensure that steps will be taken to reduce construction groundborne vibration levels as deemed appropriate and safe by the on-site construction manager. Such steps could include the use of vibration absorbing barriers, substituting lower groundborne vibration generating equipment or activity, rescheduling of high groundborne vibration-generating construction activity, or other potential adjustments to the construction program to reduce groundborne vibration levels at the nearest single-family residential building adjacent to the Project Site along Vista Del Mar Avenue (R3).

MM-NOI-3: Heavy construction equipment such as a large dozer, a large grader, and a large excavator shall not operate within 15 feet from the nearest single-family residential building adjacent to the Project Site along Vista Del Mar Avenue (R3). Small construction equipment such as a small dozer, a small excavator, and a small grader shall be permitted to operate within 15 feet from the nearest single-family residential building adjacent to the Project Site along Vista Del Mar Avenue (R3). The Applicant shall designate a construction relations officer to serve as a liaison with the nearest single-family residential buildings (R3). The liaison shall be responsible for responding to concerns regarding construction groundborne vibration within 24 hours of receiving a complaint. The liaison shall ensure that steps will be taken to reduce construction groundborne vibration levels as deemed appropriate and safe by the on-site construction manager. Such steps could include the use of vibration absorbing barriers, substituting lower groundborne vibration generating equipment or activity, rescheduling of high groundborne vibration-generating construction activity, or other potential adjustments to the construction program to reduce groundborne vibration levels at the nearest single-family residential building adjacent to the Project Site along Vista Del Mar Avenue (R3).

MM-NOI-4: Prior to start of construction, the Project Applicant shall retain the services of a licensed building inspector, or structural engineer, or other qualified professional as approved by the City, to inspect and document (video and/or photographic) the apparent physical condition of the residential buildings along Vista Del Mar Avenue (measurement location/sensitive receptor location R3), including but not limited to the building structure, interior wall, and ceiling finishes.

The Project Applicant shall retain the services of a qualified acoustical engineer to review proposed construction equipment and develop and implement a groundborne vibration monitoring program capable of documenting the construction-related groundborne vibration levels at each residence during demolition, excavation, and construction of the parking garages. The groundborne vibration monitoring program shall measure (in vertical and horizontal directions) and continuously store the peak

particle velocity (PPV) in inch/second. Groundborne vibration data shall be stored on a two-second interval. The program shall also be programmed for two preset velocity levels: a warning level of 0.15 inch/second PPV and a regulatory level of 0.2 inch/second PPV. The program shall also provide real-time alerts when the groundborne vibration levels exceed the two preset levels. Monitoring shall be conducted at a feasible location between the Project Site and the residential buildings along Vista del Mar Avenue adjacent to the Project Site as near to the adjacent residential structures as possible.

- The groundborne vibration monitoring program shall be submitted to the Department of Building and Safety, prior to initiating any construction activities for approval.

- In the event the warning level (0.15 inch/second PPV) is triggered, the contractor shall identify the source of groundborne vibration generation and provide feasible steps to reduce the groundborne vibration level such as halting/staggering concurrent activities or utilizing lower vibratory techniques.

- In the event the regulatory level (0.2 inch/second PPV) is triggered, the contractor shall halt the construction activities in the vicinity of the affected residences and visually inspect the affected residences for any damage. Results of the inspection must be logged. The contractor shall identify the source of groundborne vibration generation and implement feasible steps to reduce the groundborne vibration level such as staggering concurrent activities or utilizing lower vibratory techniques. Construction activities may continue upon implementation of feasible steps to reduce the groundborne vibration level.

- In the event damage occurs to the residential buildings along Vista Del Mar Avenue (measurement location/sensitive receptor location (R3) due to Project construction groundborne vibration, such materials shall be repaired to the same or better physical condition as documented in the pre-construction inspection and video and/or photographic records. Any such repair work shall be conducted in accordance with the Secretary of Interior's Standards for Rehabilitation pursuant to CEQA Guidelines Section 15064.5, subsection (b)(3).

MM-NOI-5: **Emergency Generator:** The Project shall install a sound enclosure and/or equivalent noise-attenuating features (i.e., mufflers) for the emergency generator that will provide approximately 25 dBA noise reduction. At plan check, building plans shall include documentation

prepared by a noise consultant verifying compliance with this measure.

Finding

Pursuant to Public Resources Code section 21081(a)(1), changes or alterations have been required in, or incorporated into, Modified Alternative 2 that avoid or substantially lessen the significant impacts as identified in the EIR.

Rationale for Finding

Construction Noise

Groundborne Vibration Impacts on Off-Site Structures

As discussed on pages 3-16 through 3-18, 3-34 through 3-38, and 3-44 through 3-45 of Chapter 3, *Revisions, Clarifications and Corrections*, of the Final EIR, because Modified Alternative 2 eliminates construction of Building 2 and instead retains the residences at 1765 and 1771 Vista Del Mar Avenue, construction of Modified Alternative 2 does not require using heavy construction equipment that would cause groundborne vibration impacts within at least 20 feet of the nearest adjacent contributor to the Vista del Mar/Carlos Historic District located at 1761-63 Vista Del Mar Avenue. Therefore, unlike the Original Project, Modified Alternative 2 creates less than significant groundborne vibration impacts to off-site structures. Even so, to be conservative and to ensure additional protection to contributors to the Vista del Mar/Carlos Historic District, Modified Alternative 2 retains the mitigation measures identified for the Project, MM-NOI-3 and MM-NOI-4.

As demonstrated in the analysis in Section IV.I, *Noise*, of the Draft EIR and pages 3-2 through 3-3, 3-15 through 3-16, 3-37 through 3-38, and 3-44 through 3-45 of Chapter 3, *Revisions, Clarifications and Corrections*, of the Final EIR, implementation of Mitigation Measure MM-NOI-3 will ensure that groundborne vibration levels during construction of the Project will be below the significance threshold of 0.2 inches per second (PPV) for potential structural damage impacts at the nearest single-family residential building adjacent to the Project Site along Vista Del Mar Avenue by requiring a 15-foot buffer between the nearest off-site building and heavy construction equipment operations. At 15 feet, implementation of Mitigation Measure MM-NOI-3 results in groundborne vibration levels of 0.191 inches per second (PPV), which is less than the significance threshold of 0.2 inches per second (PPV). Since Modified Alternative 2 does not include construction of the Original Project's Building 2 and retains the two residences at 1765 and 1771 N. Vista Del Mar, construction of Modified Alternative 2 will generally occur farther from the nearest adjacent contributor to the Vista del Mar/Carlos Historic District located at 1761-63 Vista del Mar Avenue than Project construction would. At 20 feet, the maximum vibration level from the construction equipment used for the Modified Alternative 2 would be 0.124 PPV, which is well below the significance threshold of 0.2 PPV. (See Final EIR, Appendix C-1.) Therefore, Modified Alternative 2 would have even less of an effect on the Vista Del Mar/Carlos Historic District than the Original Project's less than significant effect with implementation of Mitigation Measure MM-NOI-3.

As discussed on pages 3-3 through 3-4 of Chapter 3, *Revisions, Clarifications and Corrections*, of the Final EIR, Mitigation Measure MM-NOI-4 was revised in the Final EIR to require monitoring at the closest reasonable point between the Project Site and the neighboring Vista del Mar historic contributors – which could include monitoring on the Project Site itself if neighboring property

owners refuse to allow vibration monitoring equipment to be placed on their property. Mitigation Measure MM-NOI-4 was also clarified in the Final EIR to provide that any repairs to the residential buildings along Vista Del Mar necessitated due to Project construction will be conducted in accordance with the Secretary of Interior's Standards for Rehabilitation pursuant to CEQA Guidelines Section 15064.5, subsection (b)(3). The Project's implementation of Mitigation Measures MM-NOI-3 and MM-NOI-4, as revised and clarified, ensure that groundborne vibration levels are below the thresholds associated with potential damage to the residential buildings along Vista Del Mar Avenue (represented by measurement location/sensitive receptor location R3) due to Project construction. Accordingly, based on substantial evidence in the EIR and mitigation measures, Modified Alternative 2's less than significant impacts to district contributors would be further reduced.

Therefore, Modified Alternative 2's less than significant groundborne vibration impacts to off-site structures during construction are further reduced with incorporated mitigation measures.

Operational Noise

Emergency Generator

As discussed on pages 3-45 and 3-46 of Chapter 3, *Revisions, Clarifications and Corrections*, of the Final EIR, Modified Alternative 2 requires the implementation of Mitigation Measure MM-NOI-5, like the Original Project, to reduce the potentially significant noise impacts from its emergency generator. As required by Mitigation Measure MM-NOI-5, Modified Alternative 2 will install a sound enclosure and/or equivalent noise attenuation features (i.e., mufflers) for the emergency generator that provide approximately 25 dBA of noise reduction. As shown by comparing Table 3-4 to Table 3-5 in Chapter 3, *Revisions, Clarifications and Corrections*, of the Final EIR, with a sound enclosure, the generator noise level will be reduced from 80 dBA to approximately 55 dBA at the noise sensitive receptors (R1 location) along Argyle Avenue, and from 78 dBA to approximately 53 dBA at the noise sensitive receptors (R4 location) south of the Project Site, which levels are below the significance thresholds of 70 dBA for R1 locations and 61 dBA for R4 locations. The combined mitigated noise level from the emergency generator plus the existing ambient noise levels (65 dBA at R1 location and 56 dBA at R4 location) would be approximately 65 dBA at R1 location and 58 dBA at R4 location, which levels would not exceed the applicable significance thresholds.

Therefore, Modified Alternative 2's generator-related noise impacts would be less than significant with mitigation.

Composite Noise

As discussed on pages 3-45 and 3-46 of Chapter 3, *Revisions, Clarifications and Corrections*, of the Final EIR, Modified Alternative 2 requires the implementation of Mitigation Measure MM-NOI-5 to reduce the potentially significant noise impacts from its emergency generator. As required by Mitigation Measure MM-NOI-5, Modified Alternative 2 will install a sound enclosure and/or equivalent noise attenuation features (i.e., mufflers) for the emergency generator that provide approximately 25 dBA of noise reduction. As shown by comparing Table 3-4 to Table 3-5 in Chapter 3, *Revisions, Clarifications and Corrections*, of the Final EIR, with a sound enclosure, the generator noise level will be reduced from 80 dBA to approximately 55 dBA at the noise sensitive receptors (R1 location) along Argyle Avenue, and from 78 dBA to approximately 53 dBA at the noise sensitive receptors (R4 location) south of the Project Site, which levels are below the significance thresholds of 70 dBA for R1 location and 61 dBA for R4 location. The combined

mitigated noise level from the emergency generator plus the existing ambient noise levels (65 dBA at R1 location and 56 dBA at R4 location) would be approximately 65 dBA at R1 location and 58 dBA at R4 location, which levels would not exceed the applicable significance thresholds. Therefore, generator-related noise impacts would be less than significant with mitigation.

As shown in Table 3-5, Composite Noise Levels at Sensitive Receptor Location R1 and R4 from Modified Alternative 2 Operation with Mitigation, on page 3-53 of Chapter 3, Revisions, Clarifications and Corrections, of the Final EIR, the outdoor/open space activity would contribute a maximum of 51 dBA at sensitive receptor R1 location, and the outdoor/open space activity would contribute a maximum of 55 dBA at sensitive receptor R4 location. Mitigation measure MM-NOI-5 would reduce emergency generator-related noise levels to 55 dBA at the noise sensitive receptors (R1 location) along Argyle Avenue and to 53 dBA at the noise sensitive receptors (R4 location) south of the Project Site, which are below the significance thresholds of 70 dBA. The mitigated composite noise levels from operation of Modified Alternative 2 with the mitigated emergency generator noise levels would be up to 60.0 dBA for R1 location and up to 58.8 dBA for R4 location. Overall, relative to the existing noise environment, Modified Alternative 2 is estimated to increase the ambient noise level by approximately 1.2 dBA at the residences to the west (R1 location) along Argyle Avenue and by 4.6 dBA at the residences to the south (R4 location). This increase in noise would be below the applicable thresholds involving increases of 5 dBA. This analysis conservatively assumes that the Modified Alternative 2's operational noise sources would generate maximum noise levels simultaneously.

As such, the composite noise level impacts on sensitive receptors due to the Project's future operations would be less than significant with mitigation.

References

For a complete discussion of impacts associated with Noise, please see Section IV.I, *Noise*, of the Draft EIR; Appendix A-2 of the Draft EIR; Appendix I of the Draft EIR, *Noise and Vibration Technical Appendix*; Chapter 3, *Revisions, Clarifications and Corrections*, of the Final EIR; and Appendix C-1 to the Final EIR.

Transportation

Impact Summary

Operational Traffic

Vehicle Miles Traveled (VMT) – Consistency with CEQA Guidelines Section 15064.3(b)

As set forth on pages 3-58 through 3-60 of Chapter 3, *Revisions, Clarifications and Corrections*, of the Final EIR, Modified Alternative 2 was analyzed for potential VMT impacts using the same methodology as that described on pages IV.L-35 through IV.L-37 in Chapter IV.L, Transportation, of the Draft EIR, that being LADOT's VMT Calculator Version 1.2. As reported in Table 3-6 on page 3-59 of Chapter 3, *Revisions, Clarifications and Corrections*, of the Final EIR, Modified Alternative 2 would generate approximately 8,460 VMT per day (7,476 VMT after mitigation). As such, Modified Alternative 2 generates an average per capita household VMT of 7.5, prior to mitigation, which exceeds the applicable Central APC impact threshold of 6.0. Therefore, Modified Alternative 2 results in a potentially significant household VMT impact. Modified Alternative 2 generates an average work VMT of 5.0 per employee, which is less than the applicable Central APC per employee impact threshold of 7.6. With implementation of Mitigation Measure TRAF-1,

identified below, Modified Alternative 2's potentially significant household VMT impact is reduced to a less than significant level.

As described on page 3-60 of Chapter 3, *Revisions, Clarifications and Corrections*, of the Final EIR, subsequent to the release of the Draft EIR in April 2020, in May 2020 LADOT released version 1.3 of the VMT Calculator. The update incorporated the latest available data, and included adjustments to trip length averaging, transit mode splits, and trip purpose splits to better match the VMT Calculator with the City's Travel Demand Forecasting Model on which it is based. When analyzing the Modified Alternative 2 using version 1.3 of the VMT Calculator, the Modified Alternative 2 would have household VMT per capita of 5.1 and work VMT per capita of 6.7, both under the applicable significance thresholds, before the implementation of the Modified Alternative 2's TDM program. Based on this supplemental information, MM-TRAF-1 would not be required to reduce VMT impacts below the level of significance. Nonetheless, the Modified Alternative 2 would implement MM-TRAF-1 to minimize the effects of Modified Alternative 2 VMT and help meet City goals regarding VMT and emissions reduction, as well as supporting the use of multi-modal transportation.

Cumulative Impacts

As shown in **Table IV.L-3**, *Related Projects Within One Quarter Mile of the Project Site*, of the Draft EIR, page IV.L-40, eight related projects, which consist of a mix of residential, hotel, commercial, and office uses, are located within one quarter-mile of the Project Site. Given the improvements and street front amenities of several related projects, including, street trees, lighting and wide sidewalks, cumulatively Modified Alternative 2 in combination with the related projects would create a more pedestrian-friendly street front. As with the Original Project, Modified Alternative 2 and these related projects include adequate bicycle facilities, nearby multi-modal transportation facilities, do not conflict with adjacent street designations and classification. Each related project would be separately reviewed and approved by the City and would be required to comply with City design and LAMC requirements and would include an analysis of consistency with applicable plans, programs, policies, and ordinances. According to the TAG, for projects that do not demonstrate a project impact by applying an efficiency-based impact threshold (i.e. VMT per capita or VMT per employee) in the project impact analysis, a less-than-significant project impact conclusion is sufficient in demonstrating there is no cumulative VMT impact. Projects that fall under the City's efficiency-based impact thresholds are already shown to align with the long-term VMT and GHG reduction goals of the SCAG 2016-2040 RTP/SCS. With the incorporation of MM-TRAF-1, the VMT household and work per capita would be below the City's efficiency-based impact thresholds, and as such, Modified Alternative 2's contribution to cumulative transportation VMT impacts would not be considerable.

Mitigation Measures

The following mitigation measures are identified for Modified Alternative 2 to further reduce its less than significant VMT impacts.

MM-TRAF-1: **Transportation Demand Management Program.** The Project Applicant shall prepare and implement a comprehensive Transportation Demand Management (TDM) Program to promote non-auto travel and reduce the use of single-occupant vehicle trips. The TDM Program shall be subject to review and approval by the Department of City Planning and LADOT. A covenant and agreement shall be implemented to ensure that the TDM Program

shall be maintained. The exact measures to be implemented shall be determined when the Program is prepared, prior to issuance of a final certificate of occupancy for Modified Alternative 2. The TDM Program shall ensure that the VMT for Modified Alternative 2 would be below the applicable VMT threshold(s) established in the Transportation Assessment Guidelines through such means that could include monitoring or reporting, as required by the City. The strategies in the TDM Program shall include at a minimum, the following:

- Unbundled Parking: Provision of unbundled parking for residents (i.e., parking space is leased separately from dwelling units); and
- Promotions and Marketing: Employees and residents shall be provided with materials and promotions encouraging use of alternative modes of transportation. This type of campaign would raise awareness of the options available to people who may never consider any alternatives to driving.

In addition, the TDM could include measures such as:

- Provide an internal Transportation Management Coordination Program with an on-site transportation coordinator;
- Design the project to ensure a bicycle, transit, and pedestrian friendly environment;
- Accommodate flexible/alternative work schedules and telecommuting programs;
- A provision requiring compliance with the State Parking Cash-out Law in all leases;
- Coordinate with DOT to determine if the project location is eligible for a future Integrated Mobility Hub (which can include space for a bike share kiosk, and/or parking spaces on-site for car-share vehicles);
- Provide on-site transit routing and schedule information;
- Provide a program to discount transit passes for residents/employees possibly through negotiated bulk purchasing of passes with transit providers;
- Provide rideshare matching services;
- Preferential rideshare loading/unloading or parking location;
- Contribute a one-time fixed fee contribution of $75,000 to be deposited into the City's Bicycle Plan Trust Fund to implement bicycle improvements in the vicinity of the project.; and/or
- Participation as a member in the future Hollywood Transportation Management Organization (TMO), when operational. When the Hollywood TMO becomes operational,

the Hollywood TMO's services may replace some of the in-house TDM services where applicable.

In addition to these TDM measures, DOT also recommends that the applicant explore the implementation of an on-demand van, shuttle or tram service that connects the project employees to off-site transit stops (such as the Metro Red Line stations) based on the transportation needs of the project's employees. Such a service can be included as an additional measure in the TDM program if it is deemed feasible and effective by the applicant.

Finding

Pursuant to Public Resources Code section 21081(a)(1), changes or alterations have been required in, or incorporated into, Modified Alternative 2 that avoid or substantially lessen the significant impacts as identified in the EIR.

Rationale For Finding

Mitigation Measure MM-TRAF-1 requires implementation of a TDM program to reduce vehicle trips. The combined effect of the various strategies implemented as part of the TDM program will result in a reduction in Modified Alternative 2's vehicle trip generation and VMT by offering services, actions, specific facilities, etc., aimed at encouraging the use of alternative transportation modes. As shown in Table 3-6, *VMT Analysis Summary*, at page 3-59 in Chapter 3, *Revisions, Clarifications and Corrections*, of the Final EIR, with implementation of Mitigation Measure MM TRAF-1, Modified Alternative 2 would generate 7,476 daily VMT (a reduction of 984 daily VMT), which includes a home-based production daily VMT of 3,573 and a home-based work attraction daily VMT of 154. With Mitigation Measure MM TRAF-1, Modified Alternative 2 will generate an average household VMT per capita of 5.9 (1.6 less than prior to mitigation). With mitigation, Modified Alternative 2 will not exceed the household VMT per capita threshold of 6.0. Work VMT for Modified Alternative 2 is less than significant without mitigation. Thus, with Mitigation Measure MM-TRAF-1, Modified Alternative 2 meets the threshold criteria of being 15% less than the existing average household VMT per capita for the Central APC area, and its household VMT impact would be reduced to a less than significant level.

It is further noted that with regard to the Hollywood TMO referenced in Mitigation Measure MM-TRAF-1, the Hollywood community is a strong candidate for the promotion of alternative modes of transportation, including convenient walking and bicycling, carpooling and vanpooling, use of public transit, short-term automobile rentals, etc. A TMO is an organization that helps to promote these services to a community by providing information about available public transportation options and matching people into ridesharing services. The developers of various approved projects in the Hollywood area, along with LADOT and stakeholders, have proposed to initiate the Hollywood TMO. Some of the TDM strategies could be enhanced through participation in the Hollywood TMO, once and if it becomes operational. As indicated above, once the Hollywood TMO becomes operational, the Hollywood TMO's services may replace some of the in-house TDM services, where applicable.

Mitigation Measure MM-TRAF-1 is consistent with the City's policies on sustainability and smart growth and with LADOT's trip reduction and multi-modal transportation program, all of which support improvements that reduce greenhouse gas emissions by reducing the use of single-

occupant vehicle trips, encouraging developers to construct transit and pedestrian-friendly projects with safe and walkable sidewalks, and providing efficient and effective traffic management and monitoring.

References

For a complete discussion of impacts associated with Transportation, please see Section IV.L, *Transportation*, of the Draft EIR; Appendix A-2 of the Draft EIR, Initial Study; Appendix L-1 of the Draft EIR, *CEQA Thresholds Analysis*; Appendix L-2 of the Draft EIR, *Traffic Impact Study*; Appendix L-3 of the Draft EIR*, Vehicle Miles Traveled Analysis for the Alternatives*; Chapter 3, *Revisions, Clarifications and Corrections*, of the Final EIR; Appendix C-4 of the Final EIR, *Modified Alternative 2 Analysis for the 6220 Yucca Street Mixed-Use Project Hollywood, California*.

VI. ENVIRONMENTAL IMPACTS FOUND TO BE SIGNIFICANT EVEN AFTER MITIGATION

The EIR concluded that the following impact areas remain significant and unavoidable following implementation of all feasible mitigation measures described in the Draft and Final EIR. Consequently, in accordance with PRC Section 21081(b) and CEQA Guidelines Section 15093, a Statement of Overriding Considerations has been prepared as set forth in Section IX of these Findings. The City finds and determines that:

1. All significant environmental impacts that can feasibly be avoided or substantially lessened have been avoided or substantially lessened through either incorporation of PDFs (see CEQA Guidelines Section 15064(f)(2)) and/or implementation of mitigation measures; and

2. Based on the 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 Modified Alternative 2, all remaining unavoidable significant impacts, as set forth in these Findings, are overridden by the benefits of Modified Alternative 2, as described in the Statement of Overriding Considerations for the construction and operation of Modified Alternative 2, and all implementing actions.

Noise

Impact Summary

Construction

Exposure of Persons to or Generation of Noise Levels in Excess of Standards

On-Site Noise

As demonstrated by the analyses at pages IV.I-29 through IV.I-33 in Section IV.I, *Noise*, and supported by Appendix I of the Draft EIR, and on pages 3-44 and 3-45 of Chapter 3, *Revisions, Clarifications and Corrections*, of the Final EIR and Appendix C-1 of the Final EIR, construction of Modified Alternative 2 requires using mobile heavy equipment with high noise-level characteristics that will create significant on-site construction noise impacts. Individual pieces of construction equipment that will be used during Modified Alternative 2 construction produce

maximum noise levels of 74 dBA to 90 dBA at a reference distance of 50 feet from the noise source, as shown in Table IV.I-8, *Construction Equipment Noise Levels*, on page IV.I-31 of the Draft EIR. These maximum noise levels occur when the equipment is operating under full power conditions. The estimated usage factors for the equipment, which are based on the FHWA's Roadway Construction Noise Model User's Guide, are also shown in Table IV.I-8. To more accurately characterize construction-period noise levels, the EIR calculates the average (Hourly L_{eq}) noise level associated with each construction stage based on the quantity, type, and usage factors for each type of equipment to be used during each construction stage. Over the course of a construction day, the highest noise levels are generated when multiple pieces of construction equipment are operating concurrently. The estimated noise levels at the off-site sensitive receptor locations were based on a scenario that assumed the maximum concurrent operation of equipment, which is considered to be a worst-case evaluation because Project construction will use less overall equipment on a daily basis, and as such will generate lower noise levels.

A summary of the construction noise impacts at the existing nearby sensitive receptors is provided in Table IV.I-9, *Estimated Construction Noise Levels at Existing Off-Site Sensitive Receptors*, on pages IV.I-32 and IV.I-33 of Section IV.I, *Noise*, of the Draft EIR. Detailed noise calculations for construction activities are provided in Appendix I of the Draft EIR. As shown in Table IV.I-9, construction noise levels are estimated to reach a maximum of 106 dBA at the off-site sensitive receptor locations (R3 location) along west side of Vista Del Mar Avenue, a maximum of 83 dBA at the off-site sensitive receptor locations (R2 location) along Yucca Street, a maximum of 82 dBA at the off-site sensitive receptor locations (R1 location) along Argyle Avenue, and a maximum of 69 dBA at the off-site sensitive receptor locations (R4 location) along Carlos Avenue. Therefore, similar to the Original Project, Modified Alternative 2's construction-related noise levels will exceed the significance thresholds of 70 dBA at sensitive receptor location R1 (average daytime noise level of 65 dBA plus 5 dBA), of 66 dBA at off-site sensitive receptor location R2 (average daytime noise level of 61 dBA plus 5 dBA), of 63 dBA at off-site sensitive receptor location R3 (ambient noise level of 58 dBA plus 5 dBA), and of 61 dBA at off-site sensitive receptor locations R4 (ambient noise level of 56 dBA plus 5 dBA). The ambient noise levels are shown in Table IV.I-5 of the Draft EIR, page IV.I-19.

As such, the Modified Alternative 2 will exceed significance thresholds at residential uses located to the west of the Project Site along Argyle Avenue (R1 location), located south and east of the Project Site along Vista Del Mar Avenue (R3 location), located north of Yucca Street (R2 location), and located north and south of Carlos Avenue (R4 location). Impacts would be significant.

Exposure of Persons to or Generation of Groundborne Vibration and Groundborne Noise – Off-Site

Human Annoyance

As demonstrated by the analyses on pages IV.I-50 through IV.I-53 in Section IV.I, *Noise*, of the Draft EIR and supported by Appendix I of the Draft EIR, on pages 3-3, 3-13 through 3-14, and 3-44 and 3-45 of Chapter 3, *Revisions, Clarifications and Corrections*, of the Final EIR and supported by Appendix C-1 of the Final EIR, construction of Modified Alternative 2 results in temporary significant groundborne vibration and noise human annoyance impacts. Construction of Modified Alternative 2 generates groundborne vibration and groundborne noise during site clearing, grading and shoring activities. Based on the groundborne vibration data provided in Table IV.I-13 on page IV.I-51 of the Draft EIR, groundborne vibration velocities created by the operation of construction equipment will range from approximately 0.003 to 0.089 inches per second PPV at 25 feet from the source of activity. As stated on page IV.I-53 of the Draft EIR, for

typical buildings, groundborne vibration results in groundborne noise levels that are approximately 35 to 37 decibels lower than the velocity level.

As discussed on pages 3-44 and 3-45 of Chapter 3, *Revisions, Clarifications and Corrections*, of the Final EIR, Modified Alternative 2, by eliminating the Original Project's Building 2 and retaining the existing residential buildings at 1765 and 1771 N. Vista Del Mar, Modified Alternative 2 construction does not involve using vibration-producing heavy construction equipment within at least 20 feet of neighboring residential structures along Vista Del Mar. As concluded on page 3-45 of Chapter 3, *Revisions, Clarifications and Corrections*, of the Final EIR, although these features of Modified Alternative 2 render its groundborne vibration impacts with respect to building damage less than significant at the single-family residence closest to the Project Site's southeastern property line without the need for any mitigation, Modified Alternative 2 would still create significant groundborne vibration and groundborne noise human annoyance impacts at that location. (See also Final EIR, Appendix C-1.) In addition, as shown in Table IV.I-13, construction groundborne vibration levels for certain construction equipment at 25, 50 and 75 feet exceed the 72 VdB perception threshold; at 100 feet, vibration levels from all construction equipment fall to below the 72 VdB perception threshold. Therefore, sensitive receptor locations R1 (located approximately 80 feet from the Project Site) and R2 (located approximately 65 feet from the Project Site) are potentially exposed to construction groundborne vibration levels in excess of the 72 VdB perception threshold.

However, because these exceedances occur only when heavy equipment, such as a larger dozer and heavy trucks, are operating along the boundary of the construction site, construction-related groundborne vibration levels will only exceed 72 VdB threshold intermittently and generally for very short durations. Therefore, Modified Alternative 2 results in temporary significant groundborne vibration and groundborne noise human annoyance impacts, and mitigation is required.

Cumulative Impacts

On-site Construction Noise

For the reasons identified in the analysis contained on pages IV.1-55 through IV.I-56 of Section IV.I, *Noise*, of the Draft EIR, similar to the Original Project, cumulative construction noise impacts from on-site activities related to construction of Modified Alternative 2 together with related projects will be significant and unavoidable. Noise from on-site construction activities is localized and would normally affect the areas within 500 feet from each individual construction site. Two of the 137 related projects are located within the immediate vicinity of the Project Site and therefore have the potential to cumulatively contribute to ambient noise level increases together with Modified Alternative 2.

Similar to the Original Project, the nearest related projects that may be under construction concurrently with Modified Alternative 2 are Related Project 14 (Pantages Theater Office), located to the south of the Project Site, and Related Project 29 (Hollywood Center), located to the west of the Project Site; these related projects have the highest potential for cumulative impacts to the R4 locations. The R4 locations are residential uses to the south of the Project Site along Carlos Avenue, situated approximately 190 feet away from the Project Site. Modified Alternative 2 alone will result in a maximum construction noise level of 69 dBA L_{eq} at the off-site sensitive receptor locations along Carlos Avenue (R4 location) during demolition, grading/excavation, and building construction/paving/architectural coating, which exceeds the 61 dBA threshold for these receptors (see Table IV.9, *Estimated Construction Noise Levels at Existing Off-Site Sensitive Receptors*,

on page IV.-32 of Section IV.I, *Noise*, of the Draft EIR).

The combined on-site construction noise levels from Modified Alternative 2 and the two related projects will be intermittent, temporary and will cease at the end of the construction phase, and their construction days and hours will comply with time restrictions and other relevant provisions in the LAMC. Therefore, the Project's on-site construction noise together with the on-site construction noise from the two related projects will create short-term cumulative impacts at the R4 off-site noise sensitive receptors.

Off-Site Traffic-Related Construction Noise

As demonstrated by the analysis on page IV.I-56 in Section IV.I, *Noise*, of the Draft EIR, construction traffic from any of the related projects that are under construction when the Project is also under construction will contribute to noise levels on major thoroughfares throughout the area, even though those related projects are located in different areas and, at least to some extent, have varied haul routes and traffic patterns associated with their construction, and haul routes for the related projects may overlap along Argyle Avenue and Yucca Street; therefore, Modified Alternative 2's off-site construction noise impacts are conservatively concluded to be cumulatively considerable and cumulative off-site construction noise impacts are significant and unavoidable.

Existing ambient daytime noise levels at R1 locations (Argyle Avenue) and R2 locations (Yucca Street) were 65 dBA and 61 dBA, respectively (see Table IV.I-5 on page IV.I-19 of the Draft EIR). An estimated maximum of 160 truck trips per hour can occur along Argyle Avenue and a maximum of 64 truck trips per hour can occur along Yucca Street without exceeding the significance criteria of 5 dBA above ambient noise levels (70 dBA and 66 dBA, respectively). Similar to the Original Project, Modified Alternative 2 will generate up to 26 truck trips per hour during the grading/excavation phase of construction, which will last for approximately four months. Other phases of construction of Modified Alternative 2 will generate fewer maximum daily truck trips. If the related projects generate 134 more trips per hour along Argyle Avenue and 38 more trips per hour along Yucca Street than the Project, the cumulative noise levels from off-site construction would exceed the significance thresholds. During peak periods, it is possible that Modified Alternative 2 and related projects will have overlapping haul truck schedules and will cause noise levels greater than the significance thresholds. For these reasons, it is conservatively concluded that Modified Alternative 2's off-site construction noise impacts are cumulatively considerable and cumulative off-site construction noise impacts are significant and unavoidable.

Project Design Features

The following PDFs are incorporated into Modified Alternative 2 to reduce its potential noise impacts.

PDF-NOI-1: Generators used during the construction process will be electric or solar powered. Solar generator and electric generator equipment shall be located as far away from sensitive uses as feasible.

PDF-NOI-2: The Project will not use impact pile drivers and will not allow blasting during construction activities.

Mitigation Measures

The following mitigation measures are identified for Modified Alternative 2 to minimize the significant construction noise impacts, the construction groundborne vibration and groundborne noise impacts, and the cumulative construction noise impacts.

MM-NOI-1: **Construction Noise Barriers**: The Project shall provide a temporary 15-foot tall construction noise barriers (i.e., wood, sound blanket) between the Project construction site and residential development along the entire south, west, and east boundaries of the Project Site, achieving a performance standard of a 15 dBA noise level reduction. At plan check, building plans shall include documentation prepared by a noise consultant verifying compliance with this measure. The temporary noise barriers shall be used during early Project construction phases (up to the start of framing) when the use of heavy equipment is prevalent.

MM-NOI-2: **Equipment Noise Control**: The Project contractor(s) shall employ state-of-the-art noise minimization strategies when using mechanized construction equipment.

- The contractor(s) shall not use blasting, jack hammers or pile drivers. The contractor(s) shall use only electric power crane(s),and shall use other electric equipment if commercially available.
- The contractor(s) shall limit unnecessary idling of equipment on or near the site.
- The contractor(s) shall place noisy construction equipment as far from the Project Site edges as practicable.
- The Project contractor(s) shall equip all construction equipment, fixed or mobile, with properly operating and maintained noise mufflers, consistent with manufacturers' standards. For example, absorptive mufflers are generally considered commercially available, state-of-the-art noise reduction for heavy duty equipment. The construction contractor shall keep documentation on-site demonstrating that the equipment has been maintained in accordance with manufacturer's specifications.

MM-NOI-3: Heavy construction equipment such as a large dozer, a large grader, and a large excavator shall not operate within 15 feet from the nearest single-family residential building adjacent to the Project Site along Vista Del Mar Avenue (R3). Small construction equipment such as a small dozer, a small excavator, and a small grader shall be permitted to operate within 15 feet from the nearest single-family residential building adjacent to the Project Site along Vista Del Mar Avenue (R3). The Applicant shall designate a construction relations officer to serve as a liaison with the nearest single-family residential buildings (R3). The liaison shall be responsible for responding to concerns regarding construction

groundborne vibration within 24 hours of receiving a complaint. The liaison shall ensure that steps will be taken to reduce construction groundborne vibration levels as deemed appropriate and safe by the on-site construction manager. Such steps could include the use of vibration absorbing barriers, substituting lower groundborne vibration generating equipment or activity, rescheduling of high groundborne vibration-generating construction activity, or other potential adjustments to the construction program to reduce groundborne vibration levels at the nearest single-family residential building adjacent to the Project Site along Vista Del Mar Avenue (R3).

MM-NOI-4: Prior to start of construction, the Project Applicant shall retain the services of a licensed building inspector, or structural engineer, or other qualified professional as approved by the City, to inspect and document (video and/or photographic) the apparent physical condition of the residential buildings along Vista Del Mar Avenue (measurement location/sensitive receptor location R3), including but not limited to the building structure, interior wall, and ceiling finishes.

The Project Applicant shall retain the services of a qualified acoustical engineer to review proposed construction equipment and develop and implement a groundborne vibration monitoring program capable of documenting the construction-related groundborne vibration levels at each residence during demolition, excavation, and construction of the parking garages. The groundborne vibration monitoring program shall measure (in vertical and horizontal directions) and continuously store the peak particle velocity (PPV) in inch/second. Groundborne vibration data shall be stored on a two-second interval. The program shall also be programmed for two preset velocity levels: a warning level of 0.15 inch/second PPV and a regulatory level of 0.2 inch/second PPV. The program shall also provide real-time alerts when the groundborne vibration levels exceed the two preset levels. Monitoring shall be conducted at a feasible location between the Project Site and the residential buildings along Vista del Mar Avenue adjacent to the Project Site as near to the adjacent residential structures as possible.

- The groundborne vibration monitoring program shall be submitted to the Department of Building and Safety, prior to initiating any construction activities for approval.
- In the event the warning level (0.15 inch/second PPV) is triggered, the contractor shall identify the source of groundborne vibration generation and provide feasible steps to reduce the groundborne vibration level such as

halting/staggering concurrent activities or utilizing lower vibratory techniques.

- In the event the regulatory level (0.2 inch/second PPV) is triggered, the contractor shall halt the construction activities in the vicinity of the affected residences and visually inspect the affected residences for any damage. Results of the inspection must be logged. The contractor shall identify the source of groundborne vibration generation and implement feasible steps to reduce the groundborne vibration level such as staggering concurrent activities or utilizing lower vibratory techniques. Construction activities may continue upon implementation of feasible steps to reduce the groundborne vibration level.
- In the event damage occurs to the residential buildings along Vista Del Mar Avenue (measurement location/sensitive receptor location R3) due to Project construction groundborne vibration, such materials shall be repaired to the same or better physical condition as documented in the pre-construction inspection and video and/or photographic records. Any such repair work shall be conducted in accordance with the Secretary of Interior's Standards for Rehabilitation pursuant to CEQA Guidelines Section 15064.5, subsection (b)(3).

Finding

Pursuant to Public Resources Code section 21081(a)(1), the City finds that changes or alterations have been required in, or incorporated into, Modified Alternative 2 that mitigate or avoid the significant effects on the environment. However, these effects have not been reduced to less than significant.

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

Rationale For Finding

Construction

On-Site Noise

As demonstrated by the analysis in Section IV.I, *Noise*, of the Draft EIR, Mitigation Measures MM-NOI-1 and MM-NOI-2 are identified as the only feasible mitigation measures to address the Original Project's significant construction noise impacts; however, even with implementation of these mitigation measures, the Original Project's construction noise impacts remain significant, and are therefore unavoidable. As Modified Alternative 2 will employ similar construction as the Original Project, the same conclusion would apply to the Modified Project. Mitigation Measure MM-NOI-1 requires the installation of sound barriers during construction that will achieve a noise reduction of 15 dBA between construction activities and off-site receptor locations along Argyle Avenue (R1 locations), Vista Del Mar Avenue (R3 locations), and Carlos Avenue (R4 locations). Sound barriers are not feasible to reduce the impacts to sensitive receptors (represented by

measurement location/sensitive receptor location R2) along the north side of Yucca Street since Modified Alternative 2's construction staging area and/or traffic entrance would be located on the south side of Yucca Street adjacent to the Project Site. Although the noise reduction provided by the noise barriers required by Mitigation Measure MM-NOI-1 is considered to be a substantial reduction, construction noise levels will still increase the daytime ambient noise level above the 5-dBA significance threshold at the residential uses along Vista Del Mar Avenue (represented by measurement location/sensitive receptor location R3) during some phases of construction. In addition, the sound barrier will not reduce the noise levels at the upper floors (i.e., 3rd to 18th floor) of the multi-family residential uses at the southwest corner of Yucca Street and Argyle Avenue (R1 locations) or the upper floors (i.e. 3rd floor to 5th floor) of the five-story mixed-use residential uses (R4 locations) along Carlos Avenue since the sound barrier would not block the line of sight between the construction site and upper floors of the 18-story multi-family residential use (R1) or the five-story mixed-use residential uses (R4). Thus, construction noise impacts are significant and unavoidable at the upper floors (i.e., 3rd to 18th floor) of the multi-family residential uses at the southwest corner of Yucca Street and Argyle Avenue (R1), at the adjacent residential uses along Vista Del Mar Avenue (R3), the upper floors of the five-story mixed-use residential uses south of Carlos Avenue (R4), and those on the north side of Yucca Street (R2), even with Modified Alternative 2's implementation of MM-NOI-1.

While the noise minimization strategies required by Mitigation Measure MM-NOI-2 reduce noise levels where feasible, construction noise impacts will remain significant and unavoidable, even with the noise level reductions achieved by Modified Alternative 2's implementation of MM-NOI-1 and MM-NOI-2, together.

Therefore, even with implementation of Mitigation Measures MM-NOI-1 and MM-NOI-2, together, Modified Alternative 2's construction noise impacts are significant and unavoidable. Pursuant to Public Resources Code section 21081(a)(3), based on the evidence described below in Section IX, Statement of Overriding Considerations, the City finds that specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report to reduce these impacts to less than significant.

Groundborne Vibration and Noise – Human Annoyance

As demonstrated by the analysis in Section IV.I, *Noise*, of the Draft EIR, on pages 3-2 through 3-3 and 3-44 through 3-45 of Chapter 3, *Revisions, Clarifications and Corrections*, of the Final EIR and in Appendix C-1 of the Final EIR, Mitigation Measure MM-NOI-3 ensures that construction groundborne vibration levels are below the significance threshold of 0.2 inches per second (PPV) for potential structural damage impacts at the nearest single-family residential building adjacent to the site along Vista Del Mar Avenue (R3). This mitigation measure requires a 15-foot buffer between the nearest residential building and heavy construction equipment operations. At 15 feet, the groundborne vibration levels are reduced to 0.191 inches per second (PPV). The mitigated level of 0.191 inches per second (PPV) is less than, but still close to the significance threshold of 0.2 inches per second (PPV). As set forth on pages 3-44 and 3-45 of Chapter 3, *Revisions, Clarifications and Corrections*, of the Final EIR, implementation of Mitigation Measure MM-NOI-4, providing for a groundborne vibration monitoring program, further reduces groundborne vibration levels, but even with Mitigation Measure MM-NOI-3, cannot reduce groundborne vibration and groundborne noise impacts on human annoyance to below the human perceptibility threshold within groundborne vibration-sensitive uses, which include residential uses.

Therefore, even with implementation of Mitigation Measures MM-NOI-3 and MM-NOI-4, together,

Modified Alternative 2's temporary construction groundborne vibration and groundborne noise human annoyance impacts are significant and unavoidable. Pursuant to Public Resources Code section 21081(a)(3), based on the evidence described below in Section IX, Statement of Overriding Considerations, the City finds that specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report to reduce these impacts to less than significant.

Cumulative Impacts

On-site Construction Noise

As discussed on pages IV.1-55 through IV.I-56 of Section IV.I, *Noise*, of the Draft EIR, two of the Project's 137 related projects are located within the immediate vicinity of the Project Site and therefore have the potential to cumulatively contribute to ambient noise level increases together with the Original Project (and similarly with Modified Alternative 2), including Related Project 14 (Pantages Theater Office), located to the south of the Project Site, and Related Project 29 (Hollywood Center), located to the west of the Project Site. These related projects have the highest potential for cumulative impacts to the R4 locations, which are residential uses to the south of the Project Site along Carlos Avenue, situated approximately 190 feet away from the Project Site. Similar to the Original Project, Modified Alternative 2 alone results in a maximum construction noise level of 69 dBA L_{eq} at the off-site sensitive receptor locations along Carlos Avenue (R4 locations) during demolition, grading/excavation, and building construction/paving/architectural coating, which exceeds the 61 dBA threshold for these receptors (see Table IV.9, *Estimated Construction Noise Levels at Existing Off-Site Sensitive Receptors*, at page IV.-32 of Section IV.I, *Noise*, of the Draft EIR).

Neither the Applicant nor the City has any control over the timing or extent of the construction of any of the related projects, including Related Project 14 and Related Project 29. Even if the mitigation measures identified for Modified Alternative 2 were also imposed on these related projects, significant and unavoidable cumulative construction noise impacts will still result at the R4 receptors because Modified Alternative 2, as mitigated, creates significant construction noise impacts at the R4 receptors. Noise associated with cumulative construction activities is reduced to the degree reasonably and technically feasible through mitigation measures identified for each individual project and compliance with the City's noise ordinances. Even so, potential cumulative impacts as a result of construction of the Project and nearby related projects cannot be precluded. The combined on-site construction noise levels from Modified Alternative 2 and the two related projects will be intermittent, temporary and will cease at the end of the construction phase, and their construction days and hours will comply with time restrictions and other relevant provisions in the LAMC. Therefore, Modified Alternative 2's on-site construction noise together with the on-site construction noise from the two related projects create short-term cumulative impacts at the R4 off-site noise sensitive receptors.

As such, Modified Alternative 2's on-site construction noise impacts are determined to be significant, cumulatively considerable and unavoidable, although temporary. Pursuant to Public Resources Code section 21081(a)(3), based on the evidence described below in Section IX, Statement of Overriding Considerations, the City finds that specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report to reduce these impacts to less than significant.

Off-Site Construction Traffic-Related Noise

For the reasons discussed on pages IV.I-56 of Section IV.I, *Noise*, of the Draft EIR, it is possible that the Original Project's (and similarly, the Modified Alternative 2's) off-site construction-related traffic together with the related projects' off-site construction-related traffic will combine to create a cumulative off-site construction-related traffic noise impact, and/or that the haul routes for Modified Alternative 2 and the related projects will overlap, particularly with respect to haul routes along Argyle Avenue and Yucca Street. Specifically, there is a potential for related projects and Modified Alternative 2 to use the same haul routes at the same time. Therefore, Modified Alternative 2's off-site construction-related traffic impacts combined with those of the related projects, and the potential for overlapping haul routes are determined to create significant cumulative impacts, although temporary.

As such, Modified Alternative 2's off-site construction-related traffic noise impacts and potential overlap of haul routes are determined to be significant, cumulatively considerable and unavoidable, although temporary. Pursuant to Public Resources Code section 21081(a)(3), based on the evidence described below in Section IX, Statement of Overriding Considerations, the City finds that specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report to reduce these impacts to less than significant.

References

For a complete discussion of impacts associated with Noise, please see Section IV.I, *Noise*, of the Draft EIR; Appendix A-2 of the Draft EIR; Appendix I of the Draft EIR, *Noise and Vibration Technical Appendix*; Chapter 3, *Revisions, Clarifications and Corrections*, of the Final EIR; and Appendix C-1 to the Final EIR.

VII. 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 (PRC § 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 alternatives analysis focused on avoiding or substantially reducing the Project's significant impacts.

Summary of Findings

Based on these Findings, the EIR, and the whole of the administrative record, the City finds that the EIR analyzes a reasonable range of alternatives that would feasibly attain most of the basic objectives of, and would substantially lessen the significant impacts of, the Project as originally proposed and analyzed in the Draft EIR, and that the EIR adequately evaluates the comparative merits of each alternative. Specifically, the EIR considers the following alternatives: (1) No Project/No Build; (2) Primarily Residential Mixed-Use; (3) No Commercial Zone Change, no High Density Residential, No Density Bonus Density; and (4) Primarily Office Mixed Use. Additionally, the City finds that Modified Alternative 2's modifications meet the basic purposes of CEQA set

forth under Section 15002, subsections (a) and (h) of the CEQA Guidelines, to incorporate changes into a project to avoid and/or significantly reduce environmental damage, by eliminating the Project and Alternative 2's Building 2 component on N. Vista Del Mar Avenue and retaining the two existing residences on N. Vista Del Mar Avenue, reducing the amount of excavation required overall, including by eliminating Building 2 and a level of subterranean parking, and converting an existing paved surface parking lot at the corner of Yucca Avenue and Vista Del Mar to a landscaped park.

Having weighed and balanced the pros and cons of each of the alternatives analyzed in the EIR, each of the analyzed alternatives, other than Alternative 2, is hereby found to fail to meet most of the basic objectives of the Project. Based on the EIR's analyses, the Project Objectives, these CEQA Findings, and specific economic, social, or other considerations, including the provision of employment opportunities for highly trained workers as identified in Section IX of these Findings (Statement of Overriding Considerations), the City finds that three of the four alternatives analyzed warrant rejection. All such findings are found to be supported by the evidence contained in the whole of the administrative record and the evidence, documents and testimony presented in this matter. On pages V-6 through V-7 of Section V, *Alternatives*, of the Draft EIR, the EIR also identifies the alternatives that were considered but rejected as infeasible during the scoping process, including an industrial alternative and a single-family residential alternative, and adequately explains the reasons underlying their rejection, including, without limitation, their failure to meet most of the Project's basic objectives and their infeasibility.

Based upon the following analysis, the City finds, pursuant to Public Resources Code Section 21081(a)(3), that specific economic, legal, social, technological, or other considerations, make Alternatives 1, 3, and 4 infeasible. The City finds that Alternative 2 lessens the environmental impacts of the Project, while substantially complying with the Project Objectives, and is feasible. The City further finds that the modifications to Alternative 2 proposed in Modified Alternative 2 further reduce impacts as compared to Alternative 2, and that Modified Alternative 2 also continues to be feasible and substantially comply with the Project Objectives.

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."

The underlying purpose of the Project is to redevelop the underutilized Project Site, which is located in a Transit Priority Area, and which currently contains aging, low-density, rent stabilized residential multi-family units and one single-family home with a high-density development providing a mix of residential units and hotel and commercial/restaurant uses to meet the community's need for a range of housing options and new jobs, and to attract visitors to the area's businesses, restaurants and attractions.

The objectives for the Project are as follows:

- To construct an infill development that balances commercial and residential uses by providing a mix of retail, dining, multi-family residential and hotel uses that are complementary to the existing uses in the Project Site area;

- To redevelop the underutilized Project Site with an economically viable and attractive transit-oriented high-density mixed-use development that is appropriate for the Project Site's location in a Transit Priority Area and is consistent with its designation as Regional Center and Hollywood Center;
- To promote and support local and regional mobility, greenhouse gas and air quality objectives to reduce vehicle miles traveled, reduce reliance on single-passenger vehicles and increase the use of public transit, and maximize infill development by constructing a high-density residential, hotel and commercial/restaurant mixed-use development on a site within a designated Transit Priority Area that is located within one-quarter mile of key public transit facilities, including the Hollywood and Vine Red Line Station;
- To provide a diverse mix of dwelling units that appeal to a range of household sizes to help meet the critical demand for new housing in the Hollywood Community Plan area;
- To increase the City's stock of rent controlled units under the City's RSO through a project that provides 100 percent of its residential apartment units as RSO units;
- To provide a right of return for residents of existing onsite residential apartment units subject to the RSO;
- To support job creation and to increase business opportunities within Los Angeles by developing the Project's hotel and commercial/restaurant uses on a site well-served by transit; and
- To revitalize the streetscape surrounding the Project Site and encourage pedestrian activity and bicycle use by creating a streetscape design that allows for outdoor café tables, parkway planters and bicycle parking within an overall landscape design that integrates the Project development into the surrounding urban neighborhood.

Project Alternatives Analyzed

Alternative 1—No Project/No Build Alternative

Description

Under the No Project/No Build Alternative, no new development would occur on the Project Site, and the existing uses at the Project Site would continue to operate in their current state. Thus, the physical conditions of the Project Site would remain exactly as they are today. No new buildings would be constructed, and the existing Project Site buildings, including one single-family residence, one duplex and a studio apartment, and three two-story apartment buildings and associated carports and paved surface parking areas, would not be removed or altered.

Impact Summary

The No Project/No Build Alternative would avoid all of the Project's less-than significant, potentially significant and significant and unavoidable impacts, because no new development would occur on the Project Site.

Finding

Pursuant to PRC Section 21081(a)(3), the City finds that the specific economic, legal, social,

technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.

Rationale for Finding

With this Alternative, all of the environmental impacts projected to occur from the development of the Project would be avoided. Therefore, this Alternative would be environmentally superior to the Project. However, CEQA requires that if the environmentally superior alternative is the "no project" alternative, the EIR shall identify an environmentally superior alternative from among the other alternatives. (CEQA Guidelines, Section 15126.6(e)(2).)

Further, the No Project/No Build Alternative would not realize any of the Project objectives. Although the No Project/No Build Alternative would have fewer impacts than the Project, because this Alternative would not include a development program, it would not contribute to growth and development within the Hollywood Community and therefore, it would not satisfy any of the 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, for the reasons stated above, this Alternative is infeasible and less desirable than Modified Alternative 2, and is rejected.

References

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

Alternative 2—Primarily Residential Mixed-Use Alternative

Description

Alternative 2, the Primarily Residential Mixed-Use Alternative, is intended to determine whether elimination of the hotel use and reduction in commercial floor area would reduce the Project's VMT. The Primarily Residential Mixed-Use Alternative would include the two buildings (Building 1 and 2) and the same floor area as the Project. Building 1 would contain approximately 300,603 square feet of floor area and Building 2 would contain approximately 16,345 square feet of floor area. As with the Project, Alternative 2 would result in an FAR of 6.6:1. Building heights and mass, including the 20-story Building 1 (225 feet in elevation) and three-story Building 2 (47 feet maximum elevation) would be the same under both the Project and Alternative 2. Alternative 2 would increase the Project's residential units from 210 units to 271 units, eliminate all hotel rooms, and reduce the Project's commercial/restaurant floor area from 12,570 square feet to 5,120 square feet. Building 1 and Building 2 would provide 254 and 17 residential units, respectively. The combined mix of residential units in both Building 1 and Building 2 would consist of 132 one-bedroom units, 96 two-bedroom units, and 26 suites (2 bedroom units). All residential units would comply with the RSO.

All of the Project Design Features (PDFs) incorporated into the Project, all applicable regulatory compliance measures and Mitigation Measures implemented by the Project, and all other project components except as expressly provided in the EIR and these findings, would be incorporated and implemented, respectively, under Alternative 2.

Impact Summary

Under Alternative 2, impacts related to Noise (construction noise and vibration) would be significant and unavoidable with respect to human annoyance, although less than the Project. Alternative 2 would have similar impacts to the Project associated with Aesthetics and Visual Resources (views, scenic resources, regulations governing scenic quality, visual character and quality), Cultural Resources (historical resources), Energy, Geology and Soils (expansive soils), Hydrology and Water Quality (operation), Land Use, Public Services (Fire protection and EMS), Transportation (conflict with plans, programs, ordinances or policies, design hazards and emergency Access), Tribal Cultural Resources, and Utilities and Service Systems (energy infrastructure). However, Alternative 2 would increase the Project's less than significant impacts associated with Public Services (schools, parks and recreation and libraries greater than the Project) and Utilities and Service Systems (solid waste greater than the Project).

Benefits of Alternative 2 would include a reduction of the Project's less than significant impacts associated with Aesthetics (light and glare less than the Project), Air Quality (construction and operation emissions less than the Project), Archaeological Resources (less than the Project), Geology, Soils and Paleontological Resources (exacerbation of environmental conditions, unstable geologic units and paleontological resources less than the Project), GHG Emissions, Hydrology and Water Quality (construction impacts less than the Project), Noise (operation noise and vibration less than the Project), Population and Housing, Public Services (police protection less than the Project), Transportation (VMT impacts under CEQA Guidelines Section 15064.3, Subdivision (b) less than the Project), and Utilities and Service Systems (water and wastewater less than the Project).

Modified Alternative 2 is a slightly modified version of Alternative 2, and therefore, would similarly reduce impacts as compared to the Project. In addition, Modified Alternative 2 would further reduce impacts as compared to Alternative 2.

Finding

Pursuant to PRC Section 21081(a)(1), the City finds that changes or alterations have been required and incorporated into the Alternative 2 and Modified Alternative 2 that substantially lessen or avoid the significant impacts as identified in the EIR. In addition, pursuant to PRC Section 21081(a)(3), the City finds that the specific economic, legal, social, technological, or other considerations, make both Alternative 2, the Primarily Residential Mixed-Use Alternative, and Modified Alternative 2, feasible.

Rationale for Finding

Alternative 2 would develop the Project Site with a primarily residential mixed-use development. Specifically, Alternative 2 would increase the Project's residential units from 210 units to 271 units, eliminate all hotel rooms, and reduce the Project's commercial/restaurant floor area from 12,570 square feet to 5,120 square feet. All residential units under Alternative 2 would be subject to the RSO. Because Alternative 2 would increase the City's RSO housing stock and revitalize the character of the street where the Site is located, Alternative 2 would be fully consistent with certain Project Objectives, including: providing a diverse mix of dwelling units that appeal to a range of household sizes to help meet the critical demand for new housing in the Hollywood Community Plan area; increasing the City's stock of rent controlled units under the City's RSO through a project that provides 100 percent of its residential apartment units as RSO units; providing a right of return for residents of existing onsite residential apartment units subject to the Rent

Stabilization Ordinance; and revitalizing the streetscape surrounding the Project Site and encouraging pedestrian activity and bicycle use by creating a streetscape design that allows for outdoor café tables, parkway planters and bicycle parking within an overall landscape design that integrates the Project development into surrounding urban neighborhood. As stated, Alternative 2 would eliminate the Project's hotel use and reduce the Project's retail and restaurant floor area from a total 12,570 square feet to 5,120 square feet. As a result, Alternative 2 would only be partially consistent with Project Objectives addressing policies related to the provision of a hotel use and job creation, including: constructing an infill development that balances commercial and residential uses by providing a mix of retail, dining, multi-family residential and hotel uses that are complementary to existing uses in the area; redeveloping the underutilized Project Site within a Transit Priority Area with an economically viable and attractive, transit-oriented high-density, mixed-use development that combines residential uses with visitor-serving hotel and restaurant uses near existing transit; promoting local and regional mobility, greenhouse gas and air quality objectives to reduce vehicle miles traveled, reduce reliance on single-passenger vehicles and increase the use of public transit, and maximizing infill development by constructing a high-density residential, hotel and commercial/restaurant mixed-use development on a site within a designated Transit Priority Area that is located within one-quarter mile of key public transit facilities, including the Hollywood and Vine Red Line Station; and supporting job creation and increasing business opportunities within Los Angeles by developing the Project's hotel and commercial/restaurant uses on a site well-served by transit. Because Alternative 2 incrementally reduces several of the Project's environmental impacts, it would be considered the Environmentally Superior Alternative, as further described in this Section VII (Environmentally Superior Alternative) below.

Modified Alternative 2 is a slightly modified version of Alternative 2, and therefore, would similarly meet the project objectives as compared to Alternative 2. In addition, Modified Alternative 2 would further reduce impacts as compared to Alternative 2.

Alternative 3—No Commercial Zone Change, No High Density Residential, No Density Bonus Alternative

Description

Alternative 3, the No Commercial Zone Change, No High Density Residential, No Density Bonus Alternative, would provide 101 RSO residential units and eliminate the Project's hotel, retail, and restaurant uses. Development under Alternative 3 would be consistent with the three existing zoning designations over the Project Site, including C4-2D-SN and R4-2D in the west and central sector fronting Yucca Street and Argyle Avenue, and (Q)R3-1XL in the east sector fronting Yucca Street and Vista Del Mar Avenue, all of which allow multi-family residential development. The existing C4 and R4 zones permit multi-family uses up to the R4 density, which requires a minimum density of 400 square feet of lot area per unit. The R4-zoned sector has a total of 39,421.9 square feet of lot area; thus, allowing the construction of up to 98 residential units. The existing R3 zone in the east sector allows multifamily uses and requires a minimum of 800 square feet of lot area per unit. The R3-zoned sector of the Project Site contains 10,941.9 square feet, which allows up to 13 residential units. Although the current zoning designations of the Project Site allow up to 107 residential units to be developed without the need for additional approvals, Alternative 3 would provide a total of 101 residential units. Subtracting the Project Site's existing 43 RSO residential units, Alternative 3 would result in a net increase of 57 RSO residential units. No affordable housing is proposed under this Alternative. However, all units would be rental units and subject to the City's RSO requirements.

Building construction in the C4- and R4-zoned sectors would be four stories of Type III

construction and a single-story parking podium of Type 1 construction, for a total of five stories. The podium would provide parking for Alternative 3. In the R3 zones, the building would be tiered to meet the 1XL, 30-foot height constraint along Vista Del Mar Avenue. Alternative 3 would require approximately 123 automobile parking spaces, compared to a total of 436 provided by the Project. Alternative 3 would also require 83 bicycle parking spaces. Parking would be located in a one-level subterranean structure, with access provided from Argyle Avenue and Yucca Street. Alternative 3 would provide a gym and community lounge on Level 2 (above the podium) along with a pool and amenity deck facing south. Balconies would be provided for most units on all facades. Unlike the Project, no amenities would be provided on the roof deck. Because Alternative 3 proposes development consistent with the Project Site's designated zoning, the Project's requested approvals for a Zone Change and Height District Change would not be required. The FAR for Alternative 3 (averaged over the Project Site) would be approximately 1.98:1, compared to the Project's FAR of 6.6:1.

Impact Summary

Under Alternative 3, impacts related to Noise (construction noise and vibration) would be significant and unavoidable with respect to human annoyance, although less than the Project. Alternative 3 would have similar impacts to the Project associated with Aesthetics (regulations governing scenic quality), Air Quality (AQMP consistency), Historical Resources, Energy, Geology (expansive soils), Hydrology and Water Quality (operation), Transportation (conflict with plans, programs, ordinances or policies, design hazards, and emergency access), Tribal Cultural Resources, and Utilities and Service Systems (energy infrastructure). However, Alternative 3 would increase the Project's less than significant impacts associated with Land Use and Planning and Population and Housing.

Benefits of Alternative 3 would include a reduction of the Project's less than significant impacts associated with Aesthetics and Visual Resources (views, scenic resources, visual character and quality, and light and glare all less than the Project), Air Quality (construction and operation emissions less than the Project), Cultural Resources (Archaeological Resources less than the Project), Geology, Soils and Paleontological Resources (exacerbation of environmental conditions, unstable geological units and paleontological resources all less than the Project), GHG Emissions, Hydrology and Water Quality (construction), Noise (operation noise and vibration), Public Services (Fire protection and EMS, Police protection, schools, parks and recreation, and libraries all less than the Project), Transportation (VMT impacts under CEQA Guidelines Section 15064.3, Subdivision (b) less than the Project), and Utilities and Service Systems (water, wastewater and solid waste less than the Project).

Finding

Pursuant to PRC Section 21081(a)(3), the City finds that the specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.

Rationale for Finding

Alternative 3 would consist of 101 rental units, but would not incorporate commercial or hotel uses and, as such, would not represent a mixed-use development. The number of residential units provided under Alternative 3 would be less than one-half of the Project's proposed 210 residential units, and less than one-half of Modified Alternative 2's 270 units. However, because Alternative

3 would add to the City's stock of RSO units, it would be consistent with certain Project Objectives, albeit not to the same degree as the Project. These Project Objectives include: to provide a diverse mix of dwelling units that appeal to a range of household sizes to help meet demand for new housing in the area; to increase the stock of rent controlled units through a Project that provides 100 percent of its residential units as RSO; and to provide a right of return for residents of existing onsite apartment units subject to the RSO. Moreover, because Alternative 3 is not a mixed-use project and does not contain a commercial component, it fails to meet the remaining Project Objectives of: constructing an infill development that balances commercial and residential uses by providing a mix of retail, dining, multi-family residential and hotel uses that are complementary to existing uses in the area; redeveloping the underutilized Project Site at a density envisioned for a Transit Priority Area in the Regional Center and Hollywood Center designations on and surrounding the Project Site, with an economically viable and attractive transit-oriented high-density mixed-use development; promoting local and regional mobility, greenhouse gas and air quality objectives to reduce vehicle miles traveled, reduce reliance on single-passenger vehicles and increase the use of public transit, and maximizing infill development by constructing a high-density residential, hotel and commercial/restaurant mixed-use development on a site within a designated Transit Priority Area that is located within one-quarter mile of key public transit facilities, including the Hollywood and Vine Red Line Station; supporting job creation and increasing business opportunities within Los Angeles by developing the Project's hotel and commercial/restaurant uses on a site well-served by transit; and revitalizing the streetscape surrounding the Project Site and encouraging pedestrian activity and bicycle use by creating a streetscape design that allows for outdoor café tables, parkway planters, and bicycle parking within an overall landscape design that integrates the Project into the surrounding urban neighborhood.

Therefore, Alternative 3 would not meet the Project Objectives to the same extent as the Project, and is not an environmentally superior alternative to the Project. For the reasons stated above, the City finds that the No Commercial Zone Change, No High Density Residential, No Density Bonus Alternative is infeasible and less desirable than the Project, and rejects this Alternative.

References

For a complete discussion of impacts associated with Alternative 3, refer to Chapter V, *Alternatives*, of the Draft EIR.

Alternative 4—Primarily Office Mixed Use Alternative

Description

Alternative 4, the Primarily Office Mixed-Use Alternative, would consist of an approximately four-story commercial building (Building 1) in the West Parcel and a three-story, 13-unit condominium building (Building 2) in the East Parcel. The residential units would be intended for purchase and, as such, would not be RSO units. The West Parcel's commercial building would provide approximately 100,000 square feet of office space, 3,000 square feet of retail space, and 9,000 square feet of restaurant space. The total floor area of the commercial building would be approximately 112,000 square feet. The East Parcel, which comprises approximately 10,941.9 square feet, would be used for development of the residential component. The residential building would be similar to the Project's Building 2. The residential density (13 units) would be consistent with the existing R3 zone, which requires a minimum of 800 square feet of lot area per unit. Setbacks from lot lines would be similar to those of the Project and consistent with the respective zoning designation. The FAR for Alternative 4 (averaged over the Project Site) would be

approximately 3.81:1, compared to the Project's FAR of 6.6:1. Alternative 4 would require approximately 250 automobile parking spaces, compared to a total of 436 spaces required for the Project. Parking for Building 2 would be located within two levels of subterranean and a semi-subterranean parking level below Building 2, accessed from Vista Del Mar Avenue.

Impact Summary

Under Alternative 4, impacts related to Noise (construction noise and vibration) would be significant and unavoidable with respect to human annoyance, although less than the Project. Alternative 4 would have similar impacts to the Project associated with Aesthetics and Visual Resources (views, scenic resources, and regulations governing scenic quality), Air Quality (AQMP Consistency), Cultural Resources (historical resources), Energy, Geology and Soils (expansive soils), Hydrology and Water Quality (operation), Transportation (conflict with plans, programs, ordinances or policies, design hazards and emergency access), Tribal Cultural Resources, and Utilities and Service Systems (energy infrastructure). However, Alternative 4 would increase the Project's less than significant impacts associated with Land Use and Planning, Population and Housing, and Transportation (VMT impacts under CEQA Guidelines Section 15064.3, Subdivision (b)).

Benefits of Alternative 4 would include a reduction of the Project's less than significant impacts associated with Aesthetics and Visual Resources (visual character and quality and light and glare), Air Qualify (construction and operation emissions less than the Project), Cultural Resources (archaeological resources), Geology and Soils (exacerbation of environmental conditions, unstable geological units, and paleontological resources less than the Project), GHG Emissions, Hydrology and Water Quality (construction), Noise (operation noise and vibration less than the Project), Public Services (Fire protection and EMS, Police protection, schools, parks and recreation and libraries all less than the Project), and Utilities and Service Systems (energy infrastructure).

Finding

Pursuant to PRC Section 21081(a)(3), the City finds that the specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.

Rationale for Finding

Alternative 4 would develop the Project Site with a different mix of land uses than the Project, including 112,000 square feet of offices, 12,000 square feet of retail and restaurant uses, and 13 residential condominiums. Additionally, Alternative 4 would not provide replacement housing for the 44 demolished residential units currently occupying the Project Site, nor would it provide a hotel, increase residential densities in a Transit Priority Area, or be characterized by other features of the Project as reflected in the Project Objectives. Based on these features, the only Project Objective Alternative 4 is fully consistent with is the revitalization of the streetscape surrounding the Project Site, encouraging pedestrian activity and bicycle use by creating a streetscape design that allows for outdoor café tables, parkway planters and bicycle parking, integrating the Project development into the surrounding urban neighborhood. Because Alternative 4 does not include a hotel use, it is only partially consistent with the Project Objectives of maximizing infill development by constructing a high-density residential, hotel and commercial/restaurant mixed-use development within a Transit Priority Area, and increasing business opportunities within Los

Angeles by developing the Project's hotel and commercial uses on a site well-served by transit. Alternative 4 fails to meet the remaining Project Objectives, including: constructing an infill development that balances commercial and residential uses by providing a mix of retail, dining, multi-family residential and hotel uses that are complementary to the existing uses in the area; redeveloping the underutilized Project Site at a density envisioned for a Transit Priority Area in the Regional Center and Hollywood Center designations on and surrounding the Project Site, with an economically viable and attractive transit-oriented high-density mixed-use development; providing a diverse mix of dwelling units that appeal to a range of household sizes to help meet the critical demand for new housing in the Hollywood Community Plan area; increasing the City's stock of rent controlled units under the RSO through a project that provides 100 percent of its residential apartment units as RSO units; and providing a right of return for residents of existing onsite residential apartment units subject to the Rent Stabilization Ordinance.

Therefore, Alternative 4 would not meet the Project Objectives to the same extent as the Project, and is not an environmentally superior alternative to the Project. For the reasons stated above, the City finds that the Primarily Office Mixed-Use Alternative is infeasible and less desirable than the Project, and rejects this Alternative.

Reference

For a complete discussion of impacts associated with Alternative 4, refer to Chapter V, *Alternatives*, of the Draft EIR.

Project Alternatives Considered and Rejected

As set forth in CEQA Guidelines Section 15126.6(c), an EIR should identify any alternatives that were 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:

Industrial Alternative

Development of the Project Site with light or heavy industrial uses instead of the Project's proposed mix of residential, hotel, and commercial/restaurant uses was considered as an alternative; however, uses not consistent with the Project Site's underlying residential or commercial zones, such as light or heavy industrial uses, would not achieve the objectives of the Project and would not be appropriate within the context of the surrounding commercial and residential community. Further, an industrial use would not be consistent with the density envisioned for the General Plan's Regional Center and Hollywood Center designations of the Project Site and vicinity. Therefore, the City rejected this alternative from further consideration in the EIR.

Single-Family Residential Alternative

Development of the Project Site with single-family homes instead of the Project's proposed mix of residential, hotel, and commercial/restaurant uses was considered as an alternative; however, single-family residential uses would not fulfill any of the Project's objectives to increase density on an underutilized site within a TPA and would result in a net reduction of housing compared to the existing 43 multi-family units and one single-family residence on the Project Site. Further, a single-family use would not be consistent with the density envisioned for the General Plan's

Regional Center and Hollywood Center designations of the Project Site and vicinity. Therefore, the City rejected this alternative from further consideration in the EIR.

Environmentally Superior Alternative

Section 15126.6(e)(2) of the CEQA Guidelines states 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 151126.6(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.

The Draft EIR analyzed a range of feasible Alternatives including (1) the No Project/No Build Alternative, (2) the Primarily Residential Mixed-Use Alternative, (3) the No Commercial Zone Change, No High Density Residential, No Density Bonus Alternative, and (4) the Primarily Office Mixed-Use Alternative. A comparative summary of the environmental impacts anticipated under each Alternative to the environmental impacts associated with the Project is provided in Table V-13, *Comparison of Impacts Associated with the Alternatives and the Project*, on pages V-106 through V-109 of Chapter V, *Alternatives* of the Draft EIR.

Alternative 2 – Environmentally Superior Alternative

In accordance with the State CEQA Guidelines requirement to identify an environmentally superior alternative other than the No Project/No Build Alternative, Alternative 2 is selected from among the alternatives evaluated in the Draft EIR as the Environmentally Superior Alternative, since it would incrementally reduce several of the Project's environmental impacts and would be substantially consistent with the Project Objectives, particularly with respect to City policies regarding concentration of development within Regional Centers and TPAs for the purpose of reducing VMT.

Furthermore, regarding social and other considerations, the Project Site is located in an area of the City that is undergoing change and densification. The development trends in the vicinity of the Project Site are maximizing zoning and density because the area is located in an area with access to transit and located near job centers and other amenities. Thus, there are several social and other considerations that warrant increasing the density of development on the Project Site to implement a mixed-use, mixed-income residential and commercial/retail project that can deliver the amount and type of housing and amenities desired by the City to support citywide housing goals, including an increase in rent-stabilized housing and affordable housing at the Project Site. The City further finds that Modified Alternative 2 further reduces impacts as compared to Alternative 2, and is substantially consistent with the Project Objectives in the same manner and for the same reasons as Alternative 2.

VIII. OTHER CEQA CONSIDERATIONS

Significant Unavoidable Impacts

Section 15126.2(b) of the CEQA Guidelines requires that an EIR describe any significant impacts, including those that can be mitigated but not reduced to a level of insignificance. As evaluated in Chapter IV, *Environmental Impact Analysis*, of the Draft EIR and summarized below, implementation of the Original Project and of Modified Alternative 2 may result in project-level

significant and unavoidable impacts related to on-site construction noise and groundborne vibration and noise impacts related to human annoyance and cumulative impacts related to on-site construction noise and off-site traffic-related noise. All other impacts associated with Modified Alternative 2 are either less than significant without the need for mitigation, or are reduced with mitigation to less than significant.

Significant Irreversible Environmental Changes

According to Section 15126.2(d) of the CEQA Guidelines, an EIR is required to address any significant irreversible environmental changes that would occur should the proposed project be implemented.

Development of Modified Alternative 2 requires a commitment of resources that include: (1) building materials, (2) fuel and operational materials/resources, and (3) the transportation of goods and people to and from the Project Site. Construction requires the consumption of resources that are non-replenishable or may renew so slowly as to be considered non-renewable. These resources 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 will 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.

Operation of Modified Alternative 2 will 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 represent the primary energy source associated with both construction and ongoing operation of Modified Alternative 2, and the existing, finite supplies of these natural resources will be incrementally reduced.

At the same time, through its densification of development within the TPA, Modified Alternative 2 supports a land use pattern that reduces reliance on private automobiles, and thereby reduces vehicle miles traveled and the consumption of non-renewable resources when considered in a larger context. Most notably, Modified Alternative 2 provides high-density housing along a mixed-use corridor containing commercial, restaurant, office, and entertainment activities. The Project Site is located within a City-designated TPA and SCAG-designated High Quality Transit Area, and an area identified as preferred for high-density development to reduce vehicle miles traveled and related consumption of renewable resources, among other goals. Given its location, Modified Alternative 2 supports pedestrian access to a considerable range of employment, retail and entertainment activities. Modified Alternative 2 also provides excellent access to the regional transportation system as it is located in proximity to the Metro Red Line station and numerous regional and local Metro bus lines and LADOT DASH bus lines. These factors contribute to a land use pattern that is considered to reduce the consumption of non-renewable resources.

Furthermore, Modified Alternative 2 includes design features and is subject to building regulations that reduces the demands for energy resources needed to support its operation. Modified Alternative 2 complies with the Los Angeles Green Building Code and 2016 CALGreen Code and achieves the equivalent of the USGBC LEED Silver Certification under the LEED v4 rating system. Modified Alternative 2 incorporates measures and performance standards to support its LEED Silver Certification, which include but are not limited to the following: implementation of a construction waste management plan; exceeding Title 24 (2016) Building Standards Code

requirements to reduce building energy costs by a minimum of 5 percent; providing solar panels; use of high-efficiency fixtures and appliances and other water conservation features; drought tolerant landscaping; dedicated on-site recycling area; and implementation of a transportation demand management program (TDM). As shown in Section 4.F, *Greenhouse Gas Emissions*, Modified Alternative 2 results in a less than significant GHG impact with the reductions specified above. In addition, Modified Alternative 2 results in a less than significant impact with respect to consistency with applicable plans, policies, or regulations to reduce GHG emissions.

Modified Alternative 2's continued use of non-renewable resources will be on a relatively small scale and is 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. Furthermore, Modified Alternative 2 neither affects access to existing resources, nor interferes with the production or delivery of such resources. The Project Site contains no energy resources that will be precluded from future use through implementation of Modified Alternative 2. Modified Alternative 2's irreversible changes to the environment related to the consumption of nonrenewable resources are not significant.

Growth-Inducing Impacts

Section 15126.2(e) of the CEQA Guidelines requires an EIR to discuss the ways a proposed project could foster economic or population growth or the construction of additional housing, directly or indirectly, in the surrounding environment. Growth-inducing impacts include the removal of obstacles to population growth (e.g., the expansion of a wastewater treatment plant allowing more development in a service area) and the development and construction of new service facilities that could significantly affect the environment individually or cumulatively. In addition, pursuant to CEQA, growth must not be assumed as beneficial, detrimental, or of little significance to the environment.

Modified Alternative 2 redevelops a site that currently includes 43 multi-family residential units and associated garages, one single-family residential unit and a paved surface parking lot with one mixed-use 30-story building with a total of 269 new residential dwelling units and 7,760 square feet of ground-level retail and restaurant space. The new development is located within the Hollywood area of Los Angeles identified in the General Plan Framework Element and Hollywood Community Plan as a Regional Center Commercial (West and Center Parcels fronting Yucca Street) and Medium Density Residential (East Parcels fronting Vista Del Mar). The Project Site is also located in an area designated in the Hollywood Redevelopment Plan for revitalization. The Project Site is further located within an area designated by the City as a TPA, which anticipates the densification of land uses within proximity to transit. As such, development of the type the Project provides has been anticipated and identified by the City as expected growth. Modified Alternative 2 includes a mix of uses that are compatible with adjacent uses and are representative of the type of development anticipated in the area. As described in the Initial Study (Appendix A-2 of the Draft EIR), added population or FAR that will occur as a result of Modified Alternative 2's implementation represents a small component of population growth in the vicinity of the Project Site, and is consistent with the development anticipated in the General Plan, Hollywood Community Plan, and Hollywood Redevelopment Plan. Modified Alternative 2's new development is within the range of development anticipated within the established SCAG regional forecast for the City of Los Angeles and Hollywood Community Plan area. Modified Alternative 2 does not induce population increases or growth in residential density outside of the Project Site.

The Project Site is located in an urbanized area that is already served by existing infrastructure (e.g., roads and utilities), and community service facilities. Modified Alternative 2's only off-site

infrastructure improvements consist of tie-ins to the existing utility mainlines already serving the Project Site area. Modified Alternative 2 does not develop new roads or require the construction of off-site infrastructure that provide additional infrastructure capacity for other future development. Modified Alternative 2 does not open inaccessible sites to new development other than existing opportunities for development that are already available.

Therefore, Modified Alternative 2 does not spur additional growth other than that already anticipated and does not eliminate impediments to growth. Consequently, Modified Alternative 2 does not foster growth inducing impacts.

Potential Secondary Effects

Section 15126.4(a)(1)(D) of the CEQA Guidelines requires that mitigation measures be discussed in less detail than the significant effects of the proposed project if the mitigation measure(s) cause one or more significant effects in addition to those that are caused by the project as proposed. The analyses of the impacts in Chapter IV, *Environmental Impact Analysis*, of the Draft EIR, as modified by Chapter 3, *Revisions, Clarifications and Corrections*, of the Final EIR, identify mitigation measures for several environmental topics, which are stated below. The following provides a discussion of the potential secondary effects that could occur as a result of implementation of these required mitigation measures. For the reasons stated below, it is concluded that these mitigation measures would not result in significant secondary impacts.

Air Quality

Mitigation Measure MM-AQ-1 requires the use off-road diesel-powered construction equipment that meets the CARB and USEPA Tier 4 Final off-road emissions standards for equipment rated at 50 hp or greater during construction. Also, the mitigation measure requires that to the extent possible, pole power shall be made available for use with electric tools, equipment, lighting, etc. Because these requirements would apply only to construction equipment activities used within and immediately adjacent to the Project Site, it would not result in secondary environmental effects at neighboring properties or within the broader community.

Cultural Resources

Mitigation measures MM-ARCH-1 through MM-ARCH-3 provide for the appropriate treatment and/or preservation of resources if encountered and, as such, no substantial adverse change is caused in the significance of an archaeological resource. The implementation of these mitigation measures only occurs within the Project Site and does not result in secondary environmental effects at neighboring properties or within the broader community.

Geology and Soils

Mitigation measures MM-PALEO-1 through MM-PALEO-3 provide for avoidance and recovery of resources if an inadvertent encounter were to occur. These measures, which reduce potentially significant impacts to paleontological resources to less than significant levels, occur only within the Project Site and do not result in secondary environmental effects at neighboring properties or within the broader community.

Noise

Mitigation measure MM-NOI-1 requires temporary on-site construction noise barriers (fencing).

The fencing is confined to the Project Site and will not result in secondary environment effects at neighboring properties or within the broader community. The mitigation measure reduces adverse environmental effects and does not result in secondary effects at neighboring properties or within the broader community.

Mitigation measure MM-NOI-2 establishes fixed and mobile equipment noise control procedures to be followed during construction to avoid noise impacts at sensitive receptors. This measure prohibits blasting, jack hammers or pile drivers, requires the use of only electric power crane(s) and other electric equipment if commercially available, and limits unnecessary idling of equipment. Because these procedures apply only to construction equipment used within the Project Site, it will not result in secondary environmental effects at neighboring properties or within the broader community.

Mitigation measure MM-NOI-3 prohibits heavy construction equipment such as a large dozer, a large grader, and a large excavator from operating within 15 feet of the nearest single-family residential building adjacent to the Project Site along Vista Del Mar Avenue. A construction relations officer must serve as a liaison with the nearest single-family residential building to respond to concerns regarding construction vibration within 24 hours of receiving a complaint. The liaison ensures that steps will be taken to reduce construction vibration levels as deemed appropriate and safe by the on-site construction manager. The implementation of this measure, which reduces vibration impacts to less than significant levels, applies only to the construction site and does not result in secondary environmental effects at neighboring properties or within the broader community.

Mitigation Measure MM-NOI-4 requires the services of a qualified professional to inspect and document the apparent physical condition of the residential buildings along Vista Del Mar Avenue and the services of a qualified acoustical engineer to review proposed construction equipment and develop and implement a groundborne vibration monitoring program capable of documenting the construction-related groundborne vibration levels at each residence during demolition, excavation, and construction of the parking garages. Monitoring will be conducted at a feasible location between the Project Site and the residential buildings along Vista del Mar Avenue adjacent to the Project Site as near to the adjacent residential structures as possible. The purpose of MM-NOI-4 is to protect adjacent buildings from vibration damage and does not involve additional actions off the Project Site that will result in secondary environmental effects at neighboring properties or within the broader community.

Mitigation Measure MM-NOI-5 mitigates the noise generated by the emergency generator located in Level P1 and used in the event of a power outage for emergency safety lighting and other emergency needs. MM-NOI-5 requires the installation of a sound enclosure and/or equivalent noise-attenuating features (i.e., mufflers) around the emergency generator. The enclosure, which provides approximately 25 dBA noise reduction, requires documentation prepared by a noise consultant verifying compliance with this measure at Plan Check. The implementation of this measure applies only to the Project Site and does not result in secondary environmental effects at neighboring properties or within the broader community.

Transportation and Traffic

Mitigation Measure MM-TRAF-1 requires implementation of a comprehensive Transportation Demand Management (TDM) Program to promote non-auto travel and reduce the use of single-occupant vehicle trips. The TDM Program is subject to review and approval by the City Department of Planning and LADOT. The TDM Program includes the provision of unbundled

parking for residents and the provision of promotions and marketing to encourage alternative modes of transportation to employees and residents. MM-TRAF-1 also provides other measures that could be included, such as accommodating flexible/alternative work schedules and telecommuting programs, provide a program to discount transit passes for residents/employees, providing rideshare matching services and/or participation in the future Hollywood Transportation Management Organization (TMO), when operational. The TDM Program is intended to reduce the impact of traffic from employees and residents at the Project Site during the most congested time periods of the day. Because this measure applies only to the Project Site's occupants and reduces the number of vehicles on adjacent streets, it does not result in secondary environmental effects at adjacent streets or highways or within the broader community.

IX. STATEMENT OF OVERRIDING CONSIDERATIONS

The EIR identifies the following unavoidable significant impacts regarding noise during construction: project-level and cumulative on-site noise during construction, project-level groundborne vibration and groundborne noise impacts related to human annoyance during construction, and cumulative off-site traffic-related noise during construction. All other impacts associated with Modified Alternative 2 would either be less than significant without the need for mitigation, or less than significant after implementation of mitigation.

Section 21081 of PRC and Section 15093(b) of the CEQA Guidelines provide that when a lead agency approves a project with significant impacts identified in a Final EIR that are not avoided or substantially lessened, the lead agency must state in writing the specific reasons supporting its decision based on the Final EIR and/or other information in the record. Article I of the City's CEQA Guidelines incorporates all of the CEQA Guidelines contained in Title 15, California Code of Regulations, Sections 15000 et seq., and thereby requires, pursuant to Section 15093(b) of the CEQA Guidelines, that the decision-maker adopt a Statement of Overriding Considerations at the time a project is approved if the decision-maker finds that significant adverse environmental effects identified in the final EIR cannot be substantially lessened or avoided. These Findings and this Statement of Overriding Considerations are based on substantial evidence in the record, including but not limited to the Draft and Final EIR, the source references in the Draft and Final EIR, and other documents and material that constitute the record of proceedings.

Accordingly, the City adopts the following Statement of Overriding Considerations. The City recognizes that significant and unavoidable impacts will result from implementation of Modified Alternative 2. Having: (i) adopted all feasible mitigation measures, (ii) considered but rejected as infeasible all alternatives with the exception of Alternative 2, which was further modified as Modified Alternative 2 and put forward by the applicant for the City's consideration as the project to be approved; (iii) recognized all significant, unavoidable impacts; and (iv) balanced the benefits of Modified Alternative 2 against its significant and unavoidable impacts, the City hereby finds that the each of the Modified Alternative 2's benefits, as listed below, outweighs and overrides the significant unavoidable impacts of Modified Alternative 2.

Summarized below are the benefits, goals and objectives of Modified Alternative 2. These provide the rationale for its approval. Any one of the overriding considerations of economic, social, aesthetic and environmental benefits individually is sufficient to outweigh the significant unavoidable impacts of Modified Alternative 2 and justifies the approval, adoption or issuance of all of the required permits, approvals and other entitlements for Modified Alternative 2 and the certification of the completed Final EIR. Despite the unavoidable project- level and cumulative on-site construction noise impacts, the project-level groundborne vibration and groundborne noise impacts related to human annoyance during construction, and the cumulative traffic-related

off-site noise impacts caused by Modified Alternative 2, the City approves Modified Alternative 2 based on its following contributions to the community:

- **Site Redevelopment.** The Project substantially improves the existing conditions on the Project Site, transforming the site into a mixed-use residential tower, incorporating a pedestrian-oriented building design, providing a ground-level outdoor public open space and improved streetscape, improving security and building lighting, and including architectural design that would enhance the aesthetic 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 in the Hollywood Community Plan.
- **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 271 residential units. In addition, the Project would increase the City's stock of affordable housing units by to providing 17 Very Low-Income affordable units, and would increase the number of rent controlled units by under the City's Rent Stabilization Ordinance (RSO) by increasing number of RSO units at the Project Site by 209 units. Hence, the Project is a substantial benefit for the City by significantly enhancing the stock of housing units, including affordable and rent controlled units, in the Hollywood Community Plan area.
- **Employment and Tax Revenue.** The Project would provide over $100 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[2]. Moreover, the Project would provide economic benefits for the City as it would generate net new City revenues annually, such as sales tax, property tax and business tax revenues. 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 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) Silver certification.
- **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 Hollywood Station, serving the B Line (Red Line), and in the core of the Hollywood regional center. In these respects, the Project is consistent with

[2] As referenced on Page II-30 of the Draft EIR and in Draft EIR Appendix G, the Project is a certified Environmental Leadership Development Project under state law AB 900, which includes certification that the Project would result in at least a $100 million in economic investment in the state, provide high-wage, highly skilled jobs, qualify for LEED Silver certification, to be located on an infill site, and to meet stringent energy and transportation efficiency standards.

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.

X. GENERAL CEQA FINDINGS

- The City, acting through the Department of City Planning is the "Lead Agency" for the Project evaluated the EIR. The City finds that the EIR was prepared in compliance with CEQA and the CEQA Guidelines. The City finds that it has independently reviewed and analyzed the EIR for Modified Alternative 2, that the Draft EIR, which was circulated for public review, reflects its independent judgment and that the Final EIR reflects the independent judgment of the City.

- The EIR evaluates the following potential project-level and cumulative environmental impacts: Aesthetics; Air Quality; Cultural Resources; Energy, Geology and Soils; Greenhouse Gas Emissions; Hydrology and Water Quality; Land Use and Planning; Noise; Population and Housing; Public Services (Fire, Police, Parks and Recreation, Schools, Libraries); Transportation; Tribal Cultural Resources, and Utilities (water, wastewater, solid waste, energy infrastructure). Additionally, the EIR considers Growth Inducing Impacts and Significant Irreversible Environmental Changes. The significant environmental impacts of Modified Alternative 2, a reasonable range of alternatives and feasible mitigation measures are identified in the EIR.

- 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 Modified Alternative 2. The public review period provided all interested jurisdictions, agencies, private organizations, and individuals the opportunity to submit comments regarding the Draft EIR. The Final EIR was prepared after the review period and responds to comments made during the public review period.

- Textual refinements were compiled and Project refinements were made 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 and each refinement to Modified Alternative 2 associated with its review. These textual and Project refinements occurred for a variety of reasons. First, it is inevitable that draft documents would contain errors and would require clarifications and corrections. Second, Project refinements occurred as a result of the public participation process, and textual clarifications were required in order to describe those refinements.

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

- The Final EIR provides additional information that was not included in the Draft EIR. Having reviewed the information contained in the Draft EIR, the Final EIR, and in the

administrative record, as well as the requirements of CEQA and the CEQA Guidelines regarding recirculation of Draft EIRs, the City finds that there are no new significant impacts, no substantial increases in the severity of previously disclosed impacts, significant information in the record of proceedings or other criteria under CEQA that would require recirculation of the Draft EIR, or preparation of a supplemental or subsequent EIR.

- In response to concerns raised by the community in comments on the Draft EIR, the Modified Alternative 2 project was analyzed in the Final EIR and implemented to preserve two existing residential structures on the Project Site that are within the Vista Del Mar Carlos Historic District and enhance the District by replacing a surface parking lot within the District with a landscaped public open space area. Though these residential structures are found to be non-contributors to the District, their preservation by the Modified Alternative 2 Project results in a development that is more sensitive to, and results in lesser impacts to, the Historic District.

Specifically, the City finds that:

  - The Responses To Comments contained in the Final EIR fully consider and respond 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 or Modified Alternative 2 would result in changed circumstances, significant new information, considerably different mitigation measures, or new or more severe significant impacts than were discussed in the Draft EIR.

  - The City has thoroughly reviewed the public comments received regarding the Project and the Final EIR as they relate to the Project and Modified Alternative 2 to determine whether, under the requirements of CEQA, any of the public comments provide substantial evidence that would require recirculation of the EIR prior to its adoption, and has determined that recirculation of the EIR is not required.

  - None of the information submitted after publication of the Final EIR, including testimony at the public hearings on the Project, constitutes significant new information or otherwise requires preparation of a supplemental or subsequent EIR. The City does not find this information and testimony to be credible evidence of a significant impact, a substantial increase in the severity of an impact disclosed in the Final EIR, or a feasible mitigation measure or alternative not included in the Final EIR.

  - As demonstrated in the Final EIR, the refinements to the Project following publication of the Draft EIR do not result in a new significant impact, a substantial increase in the severity of an impact disclosed in the Draft EIR, or otherwise require recirculation of the Draft EIR.

- The mitigation measures identified for the Project were included in the Draft EIR and, as revised, in the Final EIR. As revised, the final mitigation measures for Modified Alternative 2 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.

- CEQA requires the Lead Agency approving a project to adopt a MMP for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment, that is designed to ensure compliance during Project implementation. The MMP includes all of the mitigation measures adopted by the City in connection with the approval of the Project and, in addition, all of the Project Design Features incorporated into the Project, and has been designed to ensure compliance with such measures and features during implementation of the Project. In accordance with CEQA, the MMP provides the means to ensure that the mitigation measures and Project Design Features are fully enforceable. In accordance with the requirements of Public Resources Code Section 21081.6, the City hereby adopts the MMP.

- In accordance with the requirements of Public Resources Section 21081.6, the City hereby adopts each of the mitigation measures expressly set forth herein as conditions of approval for the Project.

- The custodian of the documents or other material which constitute the record of proceedings upon which the City's decision is based is the City Department of City Planning.

- 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.

- 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.

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

- The City finds that none of the public comments to the Draft EIR or subsequent public comments or other evidence in the record, including any refinements in the Project in response to input from the community and the Council Office, includes or constitutes substantial evidence that requires recirculation of the Draft or Final EIR prior to its certification and that there is no substantial evidence elsewhere in the record of proceedings that would require substantial revision of the Draft or Final EIR prior to its certification, and that neither the Draft EIR nor the Final EIR need to be recirculated prior to certification.

FINDINGS OF FACT (SUBDIVISION MAP ACT)

In connection with the approval of Vesting Tentative Tract Map No. 73718, 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 Los Angeles Municipal Code ("LAMC"). The Vesting Tract Map has been filed for the merger and resubdivision of the Project Site into one master ground lot for condominium purposes and five airspace lots for a mixed-use development, on an approximately .90-acre (39,375 square foot) portion of the site for a maximum of 271 residential units and up to 7,760 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 regulations applicable to the subject property.

The Land Use Element of the General Plan consists of the 35 Community Plans within the City of Los Angeles. The Community Plans establish goals, objectives, and policies for future developments at a neighborhood level. Additionally, through the Land Use Map, the Community Plan designates parcels with a land use designation and zone. The Land Use Element is further implemented through the LAMC. The zoning regulations contained within the LAMC regulates, but is not limited to, the maximum permitted density, height, parking, and the subdivision of land.

The 1.16-acre project site is located within the adopted Hollywood Community Plan area and is comprised of seven lots, commonly referred to herein as the West Parcel, Center Parcel, and East Parcel. The Community Plan designates the West Parcel and Center Parcel for Regional Center Commercial land use and the East Parcel for Multiple Family Medium Residential land use. According to the Community Plan, corresponding zones for the Regional Center Commercial designation include C2, C4, P, PB, RAS3 and RAS4. The corresponding zoning designation for Medium Residential is R3.

The West Parcel is zoned C4-2D-SN, which allows for commercial and residential uses, consistent with the R5 zone. The Height District 2 allows unlimited building height with a maximum FAR of 6:1. The Development Limitation, which provides a project shall not exceed a 2:1 FAR, unless certain approvals are obtained. The Center Parcel is zoned R4-2D, which permits a density of 400 square feet of lot area per dwelling unit. The current R4 zoning is not consistent with the Center Parcel's Regional Center Commercial General

Plan land use designation. The East Parcels are zoned [Q] R3-1XL. The R3 zone permits a density of 800 square feet of lot area per dwelling unit. Height District 1XL limits building height to 30 feet with a maximum FAR of 3:1. The Q condition limits residential density to a maximum of one dwelling unit for each 1,200 square feet of lot area.

The Project Site is improved with one single-family residence, one duplex with a detached garage, and three, two-story apartment buildings with associated carports and paved surface parking areas. Under the proposed Modified Alternative 2, the three multi-family apartment buildings located along Yucca Avenue would be demolished and removed to allow for the redevelopment of the site, while the two existing one- and two-story single-family buildings (1765 and 1771 Vista Del Mar Avenue) would be retained. Modified Alternative 2 consists of a mixed-use development, with up to 316,948 square feet of floor area, within a new 30-story tower, referred to herein as Building 1. The proposed Building 1 would include up to 269 multi-family residential units (17 of which would be set aside for Very Low Income households) and approximately 7,760 square feet of commercial/restaurant uses. The existing residence at 1771 Vista Del Mar Avenue would remain as a single-family use and the residence at 1765 Vista Del Mar Avenue, which currently contains three residential units, will be converted back to a single-family use. Five levels of subterranean and above-ground automobile parking would be located within the podium structure of Building 1 and surface parking would be provided for the two single-family residences. The proposed merger and resubdivision of the Project Site into one master ground lot for condominium purposes and five airspace lots for a mixed-use development, on an approximately .90-acre (39,375 square foot) portion of the site 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.

The General Plan Framework Element describes Regional Centers as focal points for regional commerce, identity, and activity with higher density developments whose form is differentiated from the lower-density neighborhoods of the city. Regional Centers fall under the range of 1.5:1 to 6:1 FAR and are characterized by buildings ranging from six-to 20-story buildings or higher. Their densities and functions support the development of a comprehensive and interconnected network of public transit and services. The requested subdivision actions allows for the orderly arrangement of buildings on the site, flexibility in ownership and operation of the proposed commercial establishments, and allows for density height, and floor area arrangement which allows for Modified Alternative 2, which meets the goals of the General Plan and Hollywood Community Plan by providing mixed-use, mixed-income project, which provides new housing units, commercial space, in addition to preserving the two non-contributing structures located on Vista Del Mar Avenue.

In conjunction with the Vesting Tentative Tract Map for Modified Alternative 2 (stamp dated July 27, 2020), the applicant is requesting a Zone Change and Height District Change, a Density Bonus Compliance Review with an On-Menu incentive to increase the allowable FAR by 10%, Site Plan Review, and a Master Conditional Use Permit for the sale of Alcoholic Beverages and Live Entertainment/Dancing, which, if approved, would allow the proposed development. If not approved, the subdivider shall submit a tract map modification.

Therefore, as conditioned, the proposed Vesting Tract Map 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”). LAMC Section 17.06 B and 17.15 lists the map requirements for a tentative tract map and vesting tentative tract map. The map provides the required components of a tentative tract map.

The vesting tentative tract map design includes the merger and resubdivision of the Project Site into one master ground lot for condominium purposes and five airspace lots for a mixed-use development, on an approximately .90-acre (39,375 square foot) portion of the site. Modified Alternative 2 consists of a mixed-use development, with up to 316,948 square feet of floor area, within a new 30-story tower, referred to herein as Building 1. The proposed Building 1 would include up to 269 multi-family residential units (17 of which would be set aside for Very Low Income households) and approximately 7,760 square feet of commercial/restaurant uses. The existing residence at 1771 Vista Del Mar Avenue would remain as a single-family use and the residence at 1765 Vista Del Mar Avenue, which currently contains three residential units, will be converted back to a single-family use. Five levels of subterranean and above-ground automobile parking would be located within the podium structure of Building 1 and surface parking would be provided for the two single-family residences.

The design and layout of the map is consistent with the design standards established by the Subdivision Map Act and Division of Land Regulations of the Los Angeles Municipal Code. Several public agencies (including the Bureau of Engineering, Department of Building and Safety, Grading Division and Zoning Division, and Bureau of Street Lighting) have reviewed the map and found the subdivision design satisfactory, and have imposed improvement requirements and/or conditions of approval.

Pursuant to the letter dated August 13, 2020, Bureau of Engineering requires sidewalk easements along Argyle Avenue and Yucca Street, and only requires dedications and

improvements along Vista Del Mar if the map stamp dated May 14, 2020 is approved. Sewers are available and have been deemed adequate in accommodating the proposed project's sewerage needs, subject to conditions of approval. 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.

The Community Plan designates the West Parcel and Center Parcel for Regional Center Commercial land use and the East Parcel for Multiple Family Medium Residential land use. According to the Community Plan, corresponding zones for the Regional Center Commercial designation include C2, C4, P, PB, RAS3 and RAS4. The corresponding zoning designation for Medium Residential is R3. The vesting tentative tract map design includes the merger and resubdivision of an approximately .90-acre (39,375 square foot) portion of the total 1.16 acre project site. The R3 portion of the project site will not be further subdivided and therefore, the lot configurations will not change. The remainder of the project site, which is approximately .90 acres will be subdivided into one master ground lot for condominium purposes and five airspace lots for a mixed-use development (Modified Alternative 2). The R4 Zone requires a minimum lot size of 5,000 square feet and a minimum lot width of 50 feet. The C4 Zone requires the same minimum lot size, and lot width as the R4 Zone. The lot area of the .90 acre portion of the project site being subdivided for Modified Alternative 2 is approximately 39,375 square feet, with a lot width of approximately 275 feet. 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.

In conjunction with the Vesting Tentative Tract Map, the applicant is requesting a Zone Change and Height District Change, a Density Bonus Compliance Review with an On-Menu incentive to increase the allowable FAR by 10%, Site Plan Review, and a Master Conditional Use Permit for the sale of Alcoholic Beverages and Live Entertainment/Dancing, which, if approved, would allow the proposed development. If not approved, the subdivider shall submit a tract map modification. Upon approval of the entitlement requests, and as conditioned therein, the design and improvement of the proposed subdivision would be consistent with the intent and purpose of the General Plan.

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

The Project Site is improved with one single-family residence, one duplex with a detached garage, and three, two-story apartment buildings with associated carports and paved surface parking areas. Under the proposed Modified Alternative 2, the three multi-family apartment buildings located along Yucca Avenue would be demolished and removed to allow for the redevelopment of the site, while the two existing one- and two-story single-family buildings (1765 and 1771 Vista Del Mar Avenue) would be retained. Modified Alternative 2 consists of a mixed-use development, with up to 316,948 square feet of floor area, within a new 30-story tower, referred to herein as Building 1. The proposed Building 1 would include up to 269 multi-family residential units (17 of which would be set aside for Very Low Income households) and approximately 7,760 square feet of commercial/restaurant uses. Five levels of subterranean and above-ground automobile

parking would be located within the podium structure of Building 1 and surface parking would be provided for the two single-family residences.

The topography of the Project Site slopes downhill away from Yucca Avenue. The Project Site is located within an urbanized area, and is not located in a Methane Zone, Very High Fire Hazard Severity Zone, or landslide area. The Project Site is also located within an Official Alquist-Priolo Earthquake Fault Zone that was established (November 6, 2014) by the California Geological Survey for the Hollywood fault (on the USGS 7.5 minute Hollywood Quadrangle). The investigation included a transect of CPI soundings and continuous core borings in the west portion of the site and an exploration trench along the western edge. Additional exploration was conducted to address the Department correction letter dated 09/17/2014, which included three continuous core borings, three bucket auger borings and a trench just east of the site. Dr. Roy Shlemon (an expert in soil stratigraphy, age-dating of soils and assessment of geologic hazards) provided a detailed soil stratigraphic/pedological analysis by to estimate the age of the soil horizons encountered in the recent trench. Data from off-site projects investigated by Group Delta were also used for the geologic analysis of the site. No active (Holocene) faults were observed on the site or nearby the site. Therefore, no building restrictions were recommended by Group Delta.

The tract has been approved contingent upon the satisfaction of the Department of Building and Safety, Grading Division prior to the recordation of the map and issuance of any permits. Pursuant to the Department of Building and Safety, Grading Division issued a letter dated February 20, 2015 the referenced reports are acceptable, provided the conditions incorporated herein are complied with during site development. The Department of Building and Safety, Grading Division issued a subsequent letter dated October 24, 2019 based on additional reports that were submitted. The 2019 letter stated that the previous reference reports provided geologic investigations to assess potential faulting at the site and that no active faults were found and the potential for fault-related ground rupture is low. The current report the 2019 letter was based on addresses other potential geologic hazards and concludes that the proposed development is feasible. General geotechnical recommendations are provided, including those for foundations and shoring. However, the report acknowledges that a design-level geotechnical investigation is required when final plans are available. The referenced report is acceptable, provided the conditions incorporated herein are complied with during site development.

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 standards for density are applied to sites throughout the city and are allocated based on the type of land use, physical suitability, and future population growth expected to occur.

The vesting tentative tract map design includes the merger and resubdivision of an approximately .90-acre (39,375 square foot) portion of the total 1.16 acre project site. The R3 portion of the project site will not be further subdivided and therefore, the lot configurations will not change. The remainder of the project site, which is approximately .90 acres will be subdivided into one master ground lot for condominium purposes and five airspace lots for a mixed-use development (Modified Alternative 2). The Community Plan designates the Project Site for Regional Center Commercial land use and Multiple Family Medium Residential land use. According to the Community Plan, corresponding zones for the Regional Center Commercial designation include C2, C4, P, PB, RAS3 and RAS4. The corresponding zoning designation for Medium Residential is R3.

The West Parcel is zoned C4-2D-SN, which allows for commercial and residential uses, consistent with the R5 zone. The Height District 2 allows unlimited building height with a maximum FAR of 6:1. The Development Limitation, which provides a project shall not exceed a 2:1 FAR, unless certain approvals are obtained. The Center Parcel is zoned R4-2D, which permits a density of 400 square feet of lot area per dwelling unit. The current R4 zoning is not consistent with the Center Parcel's Regional Center Commercial General Plan land use designation. The East Parcels are zoned [Q] R3-1XL. The R3 zone permits a density of 800 square feet of lot area per dwelling unit. Height District 1XL limits building height to 30 feet with a maximum FAR of 3:1. The Q condition limits residential density to a maximum of one dwelling unit for each 1,200 square feet of lot area.

The West Parcel (C4 within a Regional Center) currently permits a minimum lot area per dwelling unit of 200 square feet; the Center Parcel (R4) currently permits a minimum lot area of 400 square feet per dwelling unit; and the East Parcel currently permits a minimum lot area of 1,200 square feet per dwelling unit. Modified Alternative 2 would necessitate a zone change on the Center Parcel from R4 to C2 to be consistent with the underlying Regional Center Commercial General Plan land use designation which would permit a minimum lot area of 200 square feet per dwelling unit. The Project would also necessitate a zone change to remove the [Q] Condition on the East Parcel to permit a minimum lot area of 800 square feet per dwelling unit. Modified Alternative 2 would provide 17 Very Low Income residential units, representing 8 percent of the Project Site's applicable base density, and pursuant to LAMC Section 12.22 A.25(e), is eligible for a 27.5 percent density increase to 271 units, and an incentive to increase the allowable FAR by 10% from 6:1 to 6.6:1.

Modified Alternative 2 consists of a mixed-use development, with up to 316,948 square feet of floor area, within a new 30-story tower, referred to herein as Building 1. The proposed Building 1 would include up to 269 multi-family residential units (17 of which would be set aside for Very Low Income households) and approximately 7,760 square feet of commercial/restaurant uses. The existing residence at 1771 Vista Del Mar Avenue would remain as a single-family use and the residence at 1765 Vista Del Mar Avenue, which currently contains three residential units, will be converted back to a single-family use.

Upon approval of the entitlement requests, and as conditioned therein, the project's proposed density is consistent with the general provisions and area requirements of the Planning and Zoning Code. The area is easily accessible via improved streets, highways, and transit systems. The environmental review conducted by the Department of City Planning (Case No. ENV-2014-4706-EIR (SCH No. 2015111073), 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 Hollywood Community Plan area in the City of Los Angeles. The vesting tentative tract map design includes the merger and resubdivision of an approximately .90-acre (39,375 square foot) portion of the total 1.16 acre project site. The R3 portion of the project site will not be further subdivided and therefore, the lot configurations will not change. The remainder of the project site, which is approximately .90 acres will be subdivided into one master ground lot for condominium purposes and five airspace lots for a mixed-use development (Modified Alternative 2). Modified Alternative 2 consists of a mixed-use development, with up to 316,948 square feet of floor area, within a new 30-story tower, referred to herein as Building 1. The proposed Building 1 would include up to 269 multi-family residential units (17 of which would be set aside for Very Low Income households) and approximately 7,760 square feet of commercial/restaurant uses. The existing residence at 1771 Vista Del Mar Avenue would remain as a single-family use and the residence at 1765 Vista Del Mar Avenue, which currently contains three residential units, will be converted back to a single-family use. Five levels of subterranean and above-ground automobile parking would be located within the podium structure of Building 1 and surface parking would be provided for the two single-family residences. 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 EIR prepared for the Project identifies no potential adverse impacts on fish or wildlife resources. The Project Site vicinity is highly-urbanized and generally built out and does not contain riparian or other sensitive natural community, and does not provide a natural habitat for either fish or wildlife. The local vicinity is part of the active regional center of Hollywood, containing a mix of commercial, hotel, studio/production, office, entertainment, and residential uses. There are also several areas in the Project Site vicinity that are currently under construction due to a recent resurgence of development and revitalization of the Hollywood area. No water bodies or federally protected wetlands as defined by Section 404 of the Clean Water Act exist on the Project Site. The Project Site does not contain any natural open spaces, act as a wildlife corridor, contain riparian habitat, wetland habitat, migratory corridors, conflict with a Habitat Conservation Plan, nor possess any areas of significant biological resource value.

As discussed in the Initial Study, with only a limited number of decorative/ornamental trees on the project site and in the surrounding area, there is not a substantial amount of habitat to support migratory bird species. As such, there are no established native resident or migratory wildlife corridors on the project site or in the vicinity. Because of the urban nature of the project site and surrounding area, 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 nursery sites. There are decorative/ornamental trees located within the Project Site or along the public street frontages facing the Project Site. These trees include the 10 private property trees, two City right-of-way trees, and eight trees that overhang the project site on the property to the

south. According to the Tree Report prepared for the Project, none of the private property species are considered protected under the City of Los Angeles Protected Tree Ordinance.

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 hazardous materials site or flood hazard area, and is not located on unsuitable soil conditions. The Project would not place any occupants near a hazardous materials site or involve the use or transport of hazardous materials or substances. As noted in the EIR, construction of the project would involve the temporary use of hazardous substances in the form of paint, adhesives, surface coatings and other finishing materials, and cleaning agents, fuels, and oils. All materials would be used, stored, and disposed of in accordance with applicable laws and regulations and manufacturers' instructions. Furthermore, any emissions from the use of such materials would be minimal and localized to the project site.

As discussed in detail, the Phase I Environmental Site Assessment (ESA) revealed the potential presence of lead-based paints (LBPs) and asbestos-containing materials (ACMs) in the existing on-site buildings. Accordingly, standard City Regulatory Compliance Measures require comprehensive surveys of the existing buildings prior to demolition in accordance with applicable regulations—including the National Emissions Standards for Hazardous Air Pollutants standards, SCAQMD Rule 1403, and California Division of Occupation Safety and Health (Cal/OSHA)—to verify the presence or absence of any of these materials. If LBPs and/or ACMs are encountered, standard City Regulatory Compliance Measures require remediation or abatement of these materials in accordance with all applicable regulations and standards before building demolition commences. Adherence with these Compliance Measures would reduce risks associated with LBPs and ACMs to acceptable levels and associated impacts would be less than significant. Because these activities would be short-term and cease with project completion, construction activities would, therefore, not create a significant hazard to the public or environment through the routine transport, use, or disposal of hazardous materials and impacts would be less than significant.

Operation of the residential, and commercial/restaurant uses would involve the use and storage of small quantities of potentially hazardous materials in the form of cleaning solvents, painting supplies, pesticides for landscaping, and pool maintenance. The use of these materials would be in small quantities and in accordance with the manufacturers' instructions for use, storage, and disposal of such products. Therefore, neither construction nor operation of the project would create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.

The EIR fully analyzed the impacts of both construction and operation of the Project on the existing public utility and sewer systems, and determined that impacts are less than significant. The development is required to be connected to the City's sanitary sewer system, where the sewage will be directed to the Hyperion Treatment Plant, which has been upgraded to meet Statewide ocean discharge standards. The subdivision will be connected to the public sewer system and will have only a minor incremental increase on the effluent treated by the Hyperion Treatment Plant, which has adequate capacity to serve the project. No adverse impacts to the public health or safety would occur as a result of the design and improvement of the site. Therefore, the design of the subdivision and the proposed improvements are not likely to cause serious public health problems.

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

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 August 13, 2020 that the proposed improvements would conflict with any easements. The Project Site does not adjoin or provide access to a public resource, natural habitat, public park, or any officially recognized public recreation area. Necessary public access for roads and utilities will be acquired by the City prior to recordation of the proposed map. Therefore, the design of the subdivision and the proposed improvements would not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.

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

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

Providing for passive or natural heating or cooling opportunities will not result in reducing allowable densities or the percentage of a lot which may be occupied by a building or structure under applicable planning and zoning in effect at the time the tentative map was filed.

The topography of the site has been considered in the maximization of passive or natural heating and cooling opportunities.

In addition, prior to obtaining a building permit, the subdivider shall consider building construction techniques, such as overhanging eaves, location of windows, insulation, exhaust fans; planting of trees for shade purposes and the height of the buildings on the site in relation to adjacent development.

These findings shall apply to both the tentative and final maps for Vesting Tentative Tract Map No. 73718.

VINCENT P. BERTONI, AICP
Advisory Agency

Elva Nuño-O'Donnell

Elva Nuño-O'Donnell
City Planner
Deputy Advisory Agency
ENO;LI;MZ;AC

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. Such appeal must be submitted on Master Appeal Form No. CP-7769.

COVID-19 INTERIM APPEAL FILING PROCEDURES: Consistent with Mayor Eric Garcetti's "Safer At Home" directives to help slow the spread of COVID-19, the Department of City Planning is implementing new procedures for the filing of appeals for non-applicants that eliminate or minimize in-person interaction. There are three options for filing appeals, including an online option at https://planning.lacity.org/development-services/appeal-application-online, as well as two additional options described in the Interim Appeal Filing Procedures attached to this Letter of Determination.

For reference, the Department's Development Services Centers are located at:

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

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

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

Forms are also available on-line at https://planning.lacity.org/development-services/forms

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

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

COVID-19 UPDATE
Interim Appeal Filing Procedures
March 27, 2020

LOS ANGELES CITY PLANNING

Consistent with Mayor Eric Garcetti's "Safer At Home" directives to help slow the spread of COVID-19, the Department of City Planning is implementing new procedures for the filing of appeals for non-applicants that eliminate or minimize in-person interaction. There are two options for filing appeals, which are effective immediately and described below.

OPTION 1: EMAIL PLUS US MAIL

This is a two-step process including pre-clearance by email of the appeal application followed by application and payment submittal via US Mail.

STEP 1:

Email **planning.figcounter@lacity.org** with the subject line: "**Request to File Appeal.**" In the email body provide:

- The case number
- Appellant contact information (name, email, telephone number)

Include as individual attachments to the email:

- Copy of Signed Appeal Application
- Justification
- Letter of Determination

City Planning staff will contact the appellant to confirm whether the appeal is complete and meets the applicable provisions of the Los Angeles Municipal Code (LAMC). The appellant will then be instructed to move forward with Step 2.

STEP 2:

Send appeal application via US Mail, postmarked no later than the last day of the appeal period. The package shall include:

- Original Appeal Application (wet signatures),
- Copy of email correspondence with City Planning staff (from Step 1)
- Appeal fee, check payable to the City of Los Angeles ($109.47 for an aggrieved party, not the Project Applicant.)

Mail the appeal application to:
Department City Planning - Metro DSC
201 N. Figueroa St., 4th Floor
Los Angeles, CA 90012

City Planning staff will email and mail the appellant with a receipt for payment. Note: only the original application, email, and check need to be sent via US Mail. This ensures a standard envelope with standard postage is sufficient, and no trip to the Post Office is necessary. Steps 1 and 2 must both be completed. An email alone is not sufficient to satisfy appeal requirements.

OPTION 2: DROP OFF AT DSC

An appellant may continue to submit an appeal application and payment at any of the three Development Services Center (DSC) locations. City Planning established drop off areas at the DSCs with physical boxes where appellants can drop off appeal applications and payment. **Drop off areas are monitored in secure locations outside the three DSCs (Metro/Downtown, Van Nuys, and West Los Angeles) and are available during regular business hours.**

City Planning staff will follow up with the appellant via email and phone to:

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

The City Planning Commission
200 North Spring Street
Los Angeles, CA 90012

Los Angeles Tenants Union – Hollywood Local
Susan Hunter
6500 Sunset Blvd.
Los Angeles, CA 90028

8/25/2020

RE: VTT 73718/ ENV-2014-4706-EIR/
CPC-2014-4705-ZC-HD-MCUP-CU-SPR

City Planning Commissioners,

The Advisory Agency has decided to publish a letter of determination that combines the VTT and the CEQA findings. As such, only one appeal with application will be submitted to address both since there is no application that exists that addresses both. Therefore, this appeal will be covering both the VTT and the CEQA findings per the letter of determination appeal process.

The Hollywood Local of the Los Angeles Tenants Union, a movement that represents its dues paying members within the project area and the greater area of Los Angeles, find that we are *aggrieved* by the findings made in the letter of determination dated August 24, 2020. This letter stems from a hearing that occurred on August 19, 2020. During this hearing, the applicant's representative repeatedly watered down several issues around this proposed project. For six years, the developer has promised to enter into an agreement with the current residents to guarantee a Right of Return. For six years, the developer has only stated this verbally or in a letter sent to the tenants, but has failed to actually create an agreement. Due to their lack of action, we are asking that a Right of Return Plan for the tenants be made a condition of approval for this project so that no tenants are displaced into homelessness. This action has already been done by the City Planning Commission for the proposed Crossroads project which has the same representative. Therefore, the applicant cannot claim this is should be a private agreement since they have failed to execute it; or that they had no idea this could be made a condition of approval.

Our local chapter of the Union is dedicated to stopping the flow of our residents into homelessness. It is the actions of developers like these that we, as a movement, even exist. There is no reason to continue to make empty promises just to get a project approval. There is no real reason to build hundreds of units by displacing 20 – 25 families in order to do it. We need to create housing that will actually address the needs of the community. The Median Household income for Hollywood is $43,998 [1]. We need housing that reflects the actual needs of the community, not a "build it and the rich will come" mentality. We are a working-class neighborhood that is in desperate need to keep the housing we can realistically afford. What we see instead is the continual removal of the housing we live in and can afford being threatened by

[1] https://censusreporter.org/profiles/86000US90028-90028/

gentrification and development. We have built thousands of units in Hollywood (Appendix 1). We have seen an increase in homelessness in Hollywood of 22% [2]. These two issues are absolutely linked. They are clearly linked because we are not building enough affordable housing to replace the housing being taken away. What is the point of making luxury housing Rent-Stabilized when that is intended for a higher income person who doesn't live in this neighborhood? As proposed, this project will result in the loss of 23 affordable units by reducing the number from 40 to only 17 on site. We have no way of justifying the net loss of affordable housing for more market-rate housing.

What we are asking for is very simple. House the people who need to be housed by starting with the people who already live on the property. Require a Plan for a Right of Return (Appendix 2) as a condition of approval that is enforceable and can be monitored to make sure it is being met. 25 units must be held for a Right of Return, before applying the density bonus for 17 units. A total of 42 units must be set aside out of 269, a whopping 9%. The 25 should not be reduced by the 17, otherwise we just continue to reduce the number of affordable units we need to house new families due to double dipping. We need more affordable housing. Instead we reduce it to meet a developer bottom line while expecting the rest of the community to pick up the tab for the services for the newly homeless. Realistically, there should be no less than 35% affordable in all developments if we are to meet our affordable housing needs. Why are we continuing to approve projects that don't give the community what it really needs if we claim want to do something about our homeless issue?

Los Angeles Tenants Union – Hollywood Local

[2] https://www.lahsa.org/documents?id=4672-2020-homeless-count-council-district-13

Appendix

1) Hollywood Chamber of Commerce image with total number of units built from 2010-2018. Multi-family units total over 8,000.

2) Plan for First Right of Refusal Under Full Demolition

HOLLYWOOD
BY THE NUMBERS

HOLLYWOOD RESIDENTS

47% USE RESIDENCE AS PRIMARY OR SECONDARY WORK SPACE

39% OWN

57% RENT

GETTING AROUND

RESIDENTS ARE MORE LIKELY TO

59%

43%

AVERAGE HOU$EHOLD

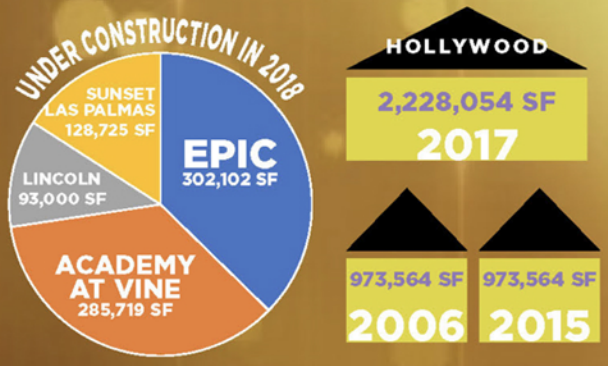
$104K	HOLLYWOOD
$92K	WITHIN 5-10 MILES
$83K	OUTSIDE OF 10 MILES

HOLLYWOOD RESIDENCY

PEOPLE ARE COMING

30% HAVE LIVED HERE 3 YEARS OR LESS

CLASS A OFFICE SPACE



SHOPPING ATTITUDE

77% IF THERE WERE MORE SHOPPING OPTIONS NEAR WHERE I LIVE, I'D SHOP THERE MORE OFTEN

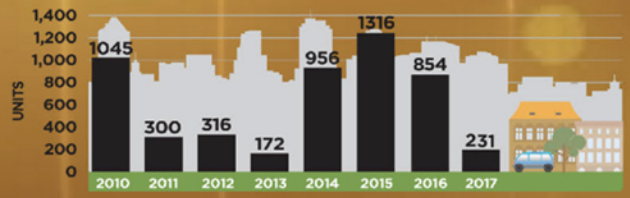
RETAIL OPPORTUNITIES

RESIDENTS' DISCRETIONARY INCOME SPENT IN HOLLYWOOD

DINING **60%**

SHOPPING **41%**

MULTIFAMILY PROJECT UNITS COMPLETED



628,000SF

CLASS A OFFICE SPACE IN THE PIPELINE

2,900 UNITS

UNDER CONSTRUCTION IN 2018

HOLLYWOOD MARKET STUDY COMMISSIONED BY THE HOLLYWOOD CHAMBER OF COMMERCE.
FOR MORE INFORMATION CONTACT INFO@HOLLYWOODCHAMBER.NET

PLAN FOR FIRST RIGHT OF REFUSAL UNDER FULL DEMOLITION TO AMMEND LAMC SEC. 152.00

1. Purpose The First Right of Refusal Plan for Full Demolition (hereinafter, "**Plan**") shall be for the purpose of the following:

The City recognizes that displacement from rental housing creates hardships on renters who are senior citizens, persons on fixed incomes and low and moderate income households, particularly when there is a shortage of decent, safe and sanitary housing at affordable rent levels in the City. The City has also declared, in its adoption of Section 161.101*et seq.* of this Code, that it is in the public interest of the people of Los Angeles to protect and promote the existence of sound and wholesome residential buildings, dwelling units and neighborhoods. It is also important to recognize the integrity of a neighborhood which is based on its residents. Displacement of residents has a negative impact on the fabric of that community.

This Plan had been established to define for landlords their responsibilities for those who wish to expand the rental housing stock in Los Angeles by reinvesting in the development of their properties which currently have tenants residing on the property. Through rent adjustments authorized by the LAMC, landlords are able to recover a substantial portion of these unit improvement costs over time. However, Demolition Work involves substantial modification or full removal of buildings and structures and, by its very nature, such work generally makes rental units untenantable, as defined by California Civil Code Section 1941.1, until the replacement unit is completed and the combined Certificate of Occupancy is issued. By overlaying a new CofO on an existing CofO, additional units can be created under full demolition work while retaining the existence of the original units into replacement units. This allows for more density to be created on already zoned residential parcels while minimizing displacement and preserving the LARSO.

This article is adopted to facilitate landlord investment in Demolition Work without subjecting tenants to either untenantable housing conditions during such work or forced permanent displacement and loss of First Right of Refusal. This Plan requires landlords to mitigate such temporary untenantable conditions, through the temporary relocation of tenants to alternative housing accommodations until such time as they can take possession of the replacement unit. Unless the tenant chooses to relinquish the right or is forced to relinquish, in which the tenant will be compensated. These two options should be regarded as mutually exclusive. Plan acknowledges the right of the tenants to occupy their unit does not cease during the time of demolition and construction even if it is not a physical feasible option.

2. Definitions

Temporary Relocation. The moving of a tenant from the tenant's permanent residence to habitable temporary housing accommodations in accordance with the Plan. The temporary relocation of a tenant from his/her/their permanent place of residence shall not constitute the voluntary vacation of the unit and shall not terminate the status and rights of a tenant, including the right to reoccupy the replacement unit, upon the completion of the Demolition Work and new construction, subject to any rent adjustments as may be authorized under LAMC.

Compensation. The monetary amount a tenant will be entitled to should their right to occupy their replacement unit be diminished without their knowledge or consent; or should they choose to relinquish that right for whatever reason.

(a) Compensation will be based on tenant's entering into a higher at-risk category for homelessness within five years of a tenant losing their housing;

(b) Tenants will be compensated the equivalent of 36 months of the average market rate of a comparable unit to what the tenant was in possession of prior to demolition based on the city-wide median price of that size unit; and

(c) In the case of tenants who are elderly, disabled, or have minor children, the amount will be based on the full 60 months.

(d) In the case of multiple tenants in a multiple bedroom unit who don't all wish to exercise the First Right of Refusal under the Plan, the Compensation will be based on the median city cost of the one bedroom. Should multiple tenants share the one bedroom, the compensation will be split equally between them. Tenants who wish to exercise their right to occupy the replacement unit from the multiple bedroom unit will be allowed to do so as long as they have not received any compensation to relinquish their right.

(e) Recipients for compensation for relinquishing of Right of First Refusal will not be subject to taxation as relocation is not taxable. Under the Uniform Relocation and Real Property Acquisition Policies Act of 1970 as Amended, relocation is not taxable due to imminent domain. Under California Government Code Chapter 12.75, private landowners are transferred power by the state to enact imminent domain.

3. Responsibility of the Applicant; and Further Findings and Rights of Tenants

3.1 A landlord shall pay for all temporary housing accommodation costs and any costs related to relocating the tenant's to temporary housing accommodations during Demolition Work, regardless of whether those costs exceed rent paid by the tenant. The landlord shall also pay any costs related to returning the tenant to his/her unit, if applicable. The Commission may adopt guidelines or regulations regarding the payment of moving costs.

3.2 In the case of multiple tenants in a multiple bedroom unit who don't all wish to exercise the First Right of Refusal, the Compensation will be based on the median city cost of the one bedroom. Replacement tenants for the replacement unit will be subject to the same approval requirements as were in place prior to the Demolition Work. Replacement Tenants will not be barred so long as they meet the requirements for renting. The same number of tenants residing in a unit prior to the Demolition work will be the allowable number of tenants allowed into the replacement unit.

3.3 Compensation payment must be made available in full within fifteen (15) days of service of the written notice of filing for the Plan. The landlord may, at the landlord's sole

discretion and at the landlord's cost, elect to pay the monetary relocation and relocation benefits through an escrow account. The monies must be placed in full in the escrow account within the required 15-day period. The escrow account must provide for payments to the tenant(s) for actual compensation and doesn't include: first and last month's rent; security deposit; or utility connection charges. Payments from the escrow account shall be made within three (3) working days of receiving a request for payment.

3.4 Temporary relocation units must be comparable to the unit being demolished, be within five miles of the unit being Demolished, and have the same services and amenities. Any reduction in size, services, or amenities must have a correlating reduction in rent for the duration of the time the tenant resides in the temporary unit.

3.5 The newly constructed unit must be comparable to the unit that was demolished and include the same services and amenities. Any reduction in the size of the unit, services, or amenities must accompany a correlating reduction in rent.

3.6 No additional rules may be created to prevent the tenant(s) from taking occupancy of the unit, such as (but not limited to) credit checks, additional deposits, rejection based on citizenship status, or criminal charges incurred during the time of construction or Demolition. Only domestic abuse, violent crime, or sexual based criminal arrests would be allowed to prevent the tenant charged with the crime from taking possession of the unit. This would be up to the discretion of the applicant to allow or not allow that tenant to take possession of the replacement unit. All other tenants residing in the unit prior to vacating would still be allowed to take possession of the replacement unit. The tenant's previous lease will still be in good standing. Leases will only allow addendums based on additional amenities and services (such as a new pool area) upon taking possession of the replacement unit.

3.7 Tenants taking possession of the replacement unit will not be denied access to any new amenities or services provided by the new development that were not offered in the previous structure prior to Demolition.

3.8 If the demolished unit was subject to the RSO regulations, then the replacement unit will also be applicable to RSO as long as the units are in possession of the tenant who resided in the unit prior to Demolition. Rent increases will be based on LARSO for that year. Plan recognizes that tenants were not always listed on the lease, so residency is based on possession prior to Demolition. This finding does not conflict with CA CIV CODE 1954.50-1594.535 as the Plan recognizes that the tenant's rights are intact and applicable to the replacement unit as the unit is a replacement unit for an RSO unit built before the legal cut-off year.

3.9 Plan does not allow for the applicant or any successor to be free from lawsuits from the City or the Tenants if the applicant fails to fulfill any of its responsibilities under the Plan at any time of demolition or subsequent construction of replacement units.

4. Changes to the Plan

Plan may only be changed by process of public hearings held before City Council. A motion must be introduced by a Councilmember and is subject to the applicable committees. Commissioners and other administrators may not re-interpret any part of the plan or its intent.

The Los Angeles Tenants Union - Hollywood Local, a movement that represents its dues paying members within the project site and the larger community, are *aggrieved by* and do oppose the Zoning Administrators findings for certifying and adopting the "Yucca-Argyle Development Project" VTT and EIR.

Reasons for objecting the "Yucca-Argyle Project"
VTT 73718/ ENV-2014-4706-EIR
Related Case: CPC-2014-4705-ZC-HD-MCUP-CU-SPR/

1. The population findings are based on inflated SCAG projections. The findings do not incorporate the most current population decline numbers due to mass migration out of the City. The EIR uses incomplete data in its analysis to come to conclusions that benefit the developer and do not stay neutral in its findings.
2. This project conflicts with California Government Code Chapter 12.75 and LAMC SEC. 151.26 – known as the Ellis Act; by failing to look at alternatives.
3. This project conflicts with the CRA Hollywood Redevelopment Plan and CA Health and Safety Code DIV 24 Part I Chapter 4 Article 9 Section 33413 (2) (A) (i). The area has not met its affordable housing requirements in order to justify taking away affordable housing.
4. This EIR makes an unsubstantiated projection of positive impacts on the community without disclosing methodology.
5. The EIR falsely claims that the project supports the City's Housing Goals. This is in conflict with the Housing Element of the General Plan and the Hollywood Community Plan.
6. Overall, the EIR uses findings in support of the approval of the project are not supported by substantial evidence in the record; the EIR conflicts with itself in claiming to conform to State and Local laws and goals; the EIR uses outdated data that doesn't reflect the current issues including but not limited to population, traffic, geology and soils; this EIR fails to give a complete "Cradle to Grave" analysis that is crucial and the EIR is inadequate without this methodology for multiple aspects of impacts arising from this project. Lastly, we adopt all other objections to this project that have been submitted.

1) The population findings are based on 2016 SCAG projections, and the findings do not incorporate the most current population decline numbers due to COVID and mass migration out of the City.

Area of Controversy:
The EIR relies on SCAG projections from 2016 only. This fails to include US Census or current migration and death rates due to COVID. County-wide, we have experienced 5,663 deaths[1] to date. Without a vaccine in place we can expect to see an increase in cases during the same time as cold and flu season. The population numbers also fail to consider the mass migration out of the City and State. According to early data from moving company trends (Appendix 1), California over has had a 63% increase in people leaving the State vs. people moving in. This data only accounts for people who were able to afford to hire professional movers. It doesn't account for individuals who moved on their own without professional help. Refusing to acknowledge that we have a mass migration out of the State and the resulting impacts is not professional or ethical. Refusing to acknowledge this current issue is only using incomplete data to conclusions that benefit the developer and do not stay neutral in its findings. There is no data that conclusively shows a planned return of those who have left.

Alternative:
The only option to mitigate the deficiency in the Population and Housing projections in the EIR is to issue a new assessment to include data on the migration out of current population as well as any expected return. This will have to include the formula for the basis of return and data sources.

2) This project violates California Government Code Chapter 12.75 and LAMC SEC. 151.26 – known as the Ellis Act; by failing to look at alternatives.

This proposed project fails to account for the financial discrimination that this project will bring into the environment. The EIR fails to acknowledge the cumulative loss of affordable housing to put in market rate housing. This project under Alternative 1 will create a loss of affordable housing by removing 23 units from the site. The developer hopes that by making all the units subject to the LARSO, that this will somehow preserve affordable units on site. They have not entered into any kind of a covenant agreement for what the rental rates on the new units will be.

The proposed project conflicts with California Government Code Chapter 12.75 and LAMC SEC 151.26 – known as the Ellis Act; by failing to look at alternatives to preserve the affordable RSO units on the property as well as the deed restricted affordable units.

Areas of Controversy:
Because the developer is offering any units not under an affordability covenant to be under the Rent Stabilization Ordinance, then they are offering RSO units for rent after displacing tenants from an RSO unit claiming Ellis. This is a direct violation of the Ellis law as Ellis is only intended for those landlords who wish to withdraw their units from the rental market. Not only does the developer intend on not withdrawing from the rental market, they actually intend on

[1] http://publichealth.lacounty.gov/media/coronavirus/data/index.htm

building more of them. This is just an attempt to remove rent stabilized tenants from their housing in order to rent out the unit to a higher rent paying tenant, which is being used as a work around for the Rent Stabilization law to protect renters against unfair rent increases to price them out of their home.

Alternative:

In order to comply with SEC 7060.1 (c) of California Government Code Chapter 12.75, which states:

“,nothing in this chapter does any of the following:

(c) Diminishes or enhances any power in any public entity to mitigate any adverse impact on persons displaced by reason of the withdrawal from rent or lease of any accommodations.” (Appendix 2)

Ellis doesn’t have authority over replacement units. In order to diminish the adverse impacts of tenants displaced into homelessness (a cost subsequently born by the tax payers), then by preserving the original CofO and overlaying the new CofO for the additional new units, property owners can maximize the density on their lots while retaining existing tenants. The developer can also create a robust and well thought out Plan for Right of Return as a condition for project approval. Lastly, they can enter into an agreement that all units not held for deed-restriction or Right of Return will only have a starting rental point that is equal to that of the median area rent for a comparable unit. For a one-bedroom, that would be $2,400 a month.

3) This project conflicts with the CRA Hollywood Redevelopment Plan.

This EIR doesn’t conform with the Hollywood Redevelopment Plan 410.4 New or Rehabilitated Dwelling Units Developed Within the Project Area
At least thirty percent (30%) of all new or rehabilitated dwelling units developed within the Project Area by the Agency, if any, shall be for persons and families of low or moderate income; and of such thirty percent, not less than fifty percent (50%) thereof shall be for very low-income households. At least fifteen percent (15%) of all new or rehabilitated units developed within the Project Area by public or private entities or persons other than the Agency shall be for persons and families of low or moderate income; and of such fifteen percent, not less than forty percent (40%) thereof shall be for very low-income households. The percentage requirements set forth in this Section shall apply in the aggregate to housing in the Project Area and not to each individual case of rehabilitation, development or construction of dwelling units; And

CA Health and Safety Code DIV 24 Part I Chapter 4 Article 9 Section 33413 (2) (A) (i) Prior to the time limit on the effectiveness of the redevelopment plan established pursuant to Sections 33333.2, 33333.6, and 33333.10 at least 15 percent of all new and substantially rehabilitated dwelling units developed within a project area under the jurisdiction of an agency by public or private entities or persons other than the agency shall be available at affordable housing cost to, and occupied by, persons and families of low or moderate income. Not less than 40 percent of the dwelling units required to be available at affordable housing cost to, and occupied by,

persons and families of low or moderate income shall be available at affordable housing cost to, and occupied by, very low-income households.

Area of Controversy:
Hollywood has continually failed to meet the requirements for 15% area-wide affordable housing. We lack thousands of affordable units in order to meet this legal requirement. Our trajectory is one that we will not meet this demand, and that the City Attorney has claimed that the City will start enforcing this law.

Alternative:
In order to meet our area-wide deficit of affordable housing, we should require that this and all other proposed developments be 100% affordable housing. We are overwhelmed with market-rate housing units and have more than is needed under our RHNA goals. As such, we should only allow for the creation of 100% affordable housing. There is no justification to destroy current affordable housing in order to build more luxury units that we don't need.

4) This EIR makes an unsubstantiated projection of neutral impacts on the community without disclosing methodology.

Page 79 of the letter of determination under "Growth Inducing Impacts" – Modified Alternative 2, fails to discuss methodology. The conclusion fails to recognize other impacts on economic or population growth by not accounting for two things:

- Population decline due to COVID
- Lack of access to newly constructed units due to economic hurdles
- Use of newly constructed units for purposes other than for housing

Area of Controversy:
The conclusion cannot just look at positive economic impacts that a development will bring without also looking at cumulative negative economic impacts on the currently existing population. The analysis also fails to acknowledge the population decline that is currently happening within the City of LA, and the this should trigger a reassessment for overall housing and population needs. The project will cumulatively have a negative economic impact on the surrounding community with a net loss of affordable units and creation of market-rate units that are priced out the median area wages. The project will also create amenities not available to the community, either by physical blockages or economic ones. Lastly, the analysis assumes that all units being constructed are being used for housing. This fails to acknowledge the use of R4 or R5 units in newly constructed housing being used for short-term, extended-stay, or transient uses. While home-sharing is currently illegal in RSO units under the Home-Sharing Act, there is no condition on the zoning of the property or of the project that would prevent any future hotel use on the site with a conversion. Therefore, the analysis is based on incomplete data in its analysis to come to conclusions that benefit the developer and do not stay neutral in its findings by claiming there is no negative impact.

Alternative:
A condition of approval must be applied to the project that the property will never be allowed to have any kind of hotel or transient use. If the applicant has no intentions of having any kind of transient usage, then this should not be a problem. The community should be given access to on-site amenities such as a pool or community rooms without charge.

5) The EIR falsely claims that the project supports the City's Housing Goals.

The Goals of both the Housing Element of the General Plan and the Hollywood Community Plan are to *increase* the affordable housing available area-wide and City-wide.

Area of Controversy:
Page 83 of the letter of determination, second bullet point, "Supports City's Housing Goals" fails to acknowledge the existence of the 40 RSO units on the proposed project site. The EIR only speaks to the creation of the 17 affordable units, and not the loss of 23 which would not be replaced. The EIR fails to acknowledge the market-rate value of the 209 units prior to being RSO. Unless the developer will enter into a contract to restrict the starting rental prices of the other newly constructed units to be comparable to other units in the area at the time construction is completed, then the use of demolition is being done to side-step the purpose of the LARSO. LARSO is meant to keep rental prices more affordable the longer a tenant lives in a unit. The EIR fails to examine the difference in turn over for tenancies in higher priced rental units and lower priced rental units before making a determination that simply suppling RSO units addresses the economic needs of the community. If there is a high turn over rate, and the units are continually priced out of median area incomes due to proximity of amenities (Appendix 3), then over time the units will not become more affordable for the tenant living in it.

Per the Hollywood Community Plan:
Additional low and moderate-income housing is needed in
all parts of this Community. Density bonuses for provision of such housing through Government Code 65915 may be granted in the Low-Medium I or less restrictive residential categories.

Per the Housing Element of the General Plan:
The Housing Element of the General Plan identifies the City's housing conditions and needs, establishes the goals, objectives, and policies that are the foundation of the City's housing strategy, and provides an array of programs to create sustainable, mixed-income neighborhoods across the City.

Per Chapter 1 of the Housing Element (Housing Needs Assessment):
The Housing Element of the City of Los Angeles addresses the housing needs of the City's residents based on a comprehensive overview of the City's population, household types, housing stock characteristics, and special needs. Among other findings, this analysis indicates that the City's residents experience high rates of housing cost burdens, low home ownership rates, and loss of existing low-rent housing. These issues inform the policies and programs the City is

implementing to relieve these housing pressures for the City's residents.
From Page 1-65 Chapter 5 and 6 - Rent Stabilization and Condominium Conversion:
Given these regulatory disincentives for demolitions and conversions of RSO units, as well as the poor state of the economy, a report commissioned by the HCIDLA and DCP projects a smaller number of RSO unit losses this decade versus the last127. The study projects that the City of Los Angeles will lose approximately 3,463 RSO housing units – or about 0.5% of current RSO stock – during the period 2010 to 2020. The most common types of evictions in RSO Units are due to demolitions and conversions. Apartment buildings built 30 or more years ago, may well continue to be attractive sites for new development, especially as the economy improves. These development projects will displace low- and moderate-income households, whose ability to find replacement housing at comparable rents will be challenged by the rising price of market-rate rental housing and the overall gentrification of some of the City's previously low-cost neighborhoods.

In actuality, we have lost 10,406 units to Ellis during 2010- start of 2020. Triple the number estimated (Appendix 4 and 5).

Alternative:
As a condition of approval, the developer must agree to:

- A Right of Return plan for current tenants (Roughly 25 families),
- Limits on the starting price of the new units to equal the median cost for a similar unit in the Hollywood area at time of completion of construction; And
- An increase in affordable units so that:
    i. 25 will be held for right of return at close to the current rent being paid with an additional 15 units for affordable to replace the units that will be destroyed, and 17 affordable for the density bonus units to create the extra affordable housing we need to get out of our deficit. This would total 57 units out of 271 to be held for Right or Return and Affordability, totaling 21% of the entire project; Or
    ii. At the minimum, 25 held for Right of Return along with 17 for the density bonus which would equal 42 units, or 9% of the entire project; Or
    iii. We should be requiring 35% affordability on all new projects in order to dig our way out of the affordable housing crisis on top of the Right of Return units, totaling 119 units.

Double-dipping only leads to less affordable units being created to house people who are housing challenged. The current tenants are not housing challenged. They have a home. They just will become housing challenged if this project is approved with no pathway for a Right of Return. We can't keep adding to the pile of people displaced to the streets while hoping that somehow the crisis will solve itself.

Signed,
LATU – Hollywood Local

Appendix

1) Business Insider article on current moving company trends.
2) California Government Code Chapter 12.75
3) Federal Reserve Study - more supply of housing doesn't lower the rental cost.
4) Anti-Eviction mapping project – Ellis Evictions in Los Angeles from 2001-2009.
5) Anti-Eviction mapping project – Ellis Evictions in Los Angeles from 2010-2020.

More people have moved into these 9 US states than moved out during the pandemic

Madison Hoff Aug 23, 2020, 5:50 AM

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Using data from moving marketplace HireAHelper, we looked at which states saw

more people moving in than out during the pandemic.

Idaho had the largest net gain at 194%, followed by New Mexico at 44%. This means that 194% more people moved into Idaho than left the state since March.

Not being able to afford their current housing or deciding to move in with family or friends were the most common coronavirus-related reasons people reported choosing to move.

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The pandemic has led to some Americans choosing to move to a different state, whether it be for a brief move to quarantine with others or a permanent change.

Moving marketplace HireAHelper examined which states saw more people moving in than out since the pandemic was declared in March. Using customer data, the company looked at the net gains and losses in the past few months.

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the help of moving services. It mainly includes hybrid moving data, or moves that

include "purchasing transportation and labor separately to save money," according to Mike Glanz, president of moving services for HireAHelper.

Idaho had the largest net gain, where 194% more people moved into the state than out during the pandemic. On the other hand, New York and California had the largest net losses, with 64% and 63% more people moving out of the state than moving in

respectively. To find these net changes, HireAHelper calculated the ratio of the number of moves into a state to the number of people moving out.

Glanz told Business Insider in an email that even cities that saw more people moving out than in during the pandemic, such as New York City, "are likely to eventually rebound and we anticipate seeing a resurgence of population growth in metropolitan areas given previous trends."

Almost all states in HireAHelper's analysis saw a drop in the total number of people moving since last year. The exceptions among states with available data were South

decline in the total number of moves from last year at -86%.

HireAHelper found 15% of 1,350 people surveyed who moved between January and June did so because of the pandemic. The most common reason these survey respondents said they moved were because they couldn't afford their place after losing household income due to the pandemic, at 37%. About 33% decided to move to quarantine at the homes of friends and family.

Glanz noted that a survey conducted by Pew Research Center of 9,654 US adults also found 3% moved because of the pandemic, and according to that survey 61% of people decided to move in with family during this time.

The following are the nine states that had the largest ratios of people moving in to people moving out since the declaration of the pandemic. We also included the percent change in total moves between March 11 and June 30 compared to this same period in 2019, using data from HireAHelper, to look at how the pandemic may have negatively impacted state-to-state migration overall.

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GOVERNMENT CODE - GOV

TITLE 1. GENERAL [100 - 7914] *(Title 1 enacted by Stats. 1943, Ch. 134.)*

DIVISION 7. MISCELLANEOUS [6000 - 7599.2] *(Division 7 enacted by Stats. 1943, Ch. 134.)*

CHAPTER 12.75. Residential Real Property [7060 - 7060.7] *(Chapter 12.75 added by Stats. 1985, Ch. 1509, Sec. 1.)*

7060. (a) No public entity, as defined in Section 811.2, shall, by statute, ordinance, or regulation, or by administrative action implementing any statute, ordinance or regulation, compel the owner of any residential real property to offer, or to continue to offer, accommodations in the property for rent or lease, except for guestrooms or efficiency units within a residential hotel, as defined in Section 50519 of the Health and Safety Code, if the residential hotel meets all of the following conditions:

(1) The residential hotel is located in a city and county, or in a city with a population of over 1,000,000.

(2) The residential hotel has a permit of occupancy issued prior to January 1, 1990.

(3) The residential hotel did not send a notice of intent to withdraw the accommodations from rent or lease pursuant to subdivision (a) of Section 7060.4 that was delivered to the public entity prior to January 1, 2004.

(b) For the purposes of this chapter, the following definitions apply:

(1) "Accommodations" means either of the following:

(A) The residential rental units in any detached physical structure containing four or more residential rental units.

(B) With respect to a detached physical structure containing three or fewer residential rental units, the residential rental units in that structure and in any other structure located on the same parcel of land, including any detached physical structure specified in subparagraph (A).

(2) "Disabled" means a person with a disability, as defined in Section 12955.3 of the Government Code.

(Amended by Stats. 2003, Ch. 766, Sec. 1. Effective January 1, 2004.)

7060.1. Notwithstanding Section 7060, nothing in this chapter does any of the following:

(a) Prevents a public entity from enforcing any contract or agreement by which an owner of residential real property has agreed to offer the accommodations for rent or lease in consideration for a direct financial contribution or, with respect to written contracts or agreements entered into prior to July 1, 1986, for any consideration. Any contract or agreement specified in this subdivision is not enforceable against a person who acquires title to the accommodations as a bona fide purchaser for value (or successors in interest thereof), unless (1) the purchaser at the time of acquiring title to the accommodations has actual knowledge of the contract or agreement, or (2) a written memorandum of the contract or agreement which specifically describes the terms thereof and the affected real property, and which identifies the owner of the property, has been recorded with the county recorder prior to July 1, 1986, or not less than 30 days prior to transfer of title to the property to the purchaser. The county recorder shall index such a written memorandum in the grantor-grantee index.

As used in this subdivision, "direct financial contribution" includes contributions specified in Section 65916 and any form of interest rate subsidy or tax abatement provided to facilitate the acquisition or development of real property.

(b) Diminishes or enhances, except as specifically provided in Section 7060.2, any power which currently exists or which may hereafter exist in any public entity to grant or deny any entitlement to the use of real property, including, but not limited to, planning, zoning, and subdivision map approvals.

(c) Diminishes or enhances any power in any public entity to mitigate any adverse impact on persons displaced by reason of the withdrawal from rent or lease of any accommodations.

(d) Supersedes any provision of Chapter 16 (commencing with Section 7260) of this division, Part 2.8 (commencing with Section 12900) of Division 3 of Title 2 of this code, Chapter 5 (commencing with Section 17200) of Part 2 of Division 7 of the Business and Professions Code, Part 2 (commencing with Section 43) of Division 1 of the Civil Code, Title 5 (commencing with Section 1925) of Part 4 of Division 3 of the Civil Code, Chapter 4 (commencing with Section 1159) of Title 3 of Part 3 of the Code of Civil Procedure, or Division 24 (commencing with Section 33000) of the Health and Safety Code.

(e) Relieves any party to a lease or rental agreement of the duty to perform any obligation under that lease or rental agreement.

(Amended by Stats. 2003, Ch. 766, Sec. 2. Effective January 1, 2004.)

7060.2. If a public entity, by valid exercise of its police power, has in effect any control or system of control on the price at which accommodations may be offered for rent or lease, that entity may, notwithstanding any provision of this chapter, provide by statute or ordinance, or by regulation as specified in Section 7060.5, that any accommodations which have been offered for rent or lease and which were subject to that control or system of control at the time the accommodations were withdrawn from rent or lease, shall be subject to the following:

(a) (1) For all tenancies commenced during the time periods described in paragraph (2), the accommodations shall be offered and rented or leased at the lawful rent in effect at the time any notice of intent to withdraw the accommodations is filed with the public entity, plus annual adjustments available under the system of control.

(2) The provisions of paragraph (1) shall apply to all tenancies commenced during either of the following time periods:

(A) The five-year period after any notice of intent to withdraw the accommodations is filed with the public entity, whether or not the notice of intent is rescinded or the withdrawal of the accommodations is completed pursuant to the notice of intent.

(B) The five-year period after the accommodations are withdrawn.

(3) This subdivision shall prevail over any conflicting provision of law authorizing the landlord to establish the rental rate upon the initial hiring of the accommodations.

(b) If the accommodations are offered again for rent or lease for residential purposes within two years of the date the accommodations were withdrawn from rent or lease, the following provisions shall govern:

(1) The owner of the accommodations shall be liable to any tenant or lessee who was displaced from the property by that action for actual and exemplary damages. Any action by a tenant or lessee pursuant to this paragraph shall be brought within three years of the withdrawal of the accommodations from rent or lease. However, nothing in this paragraph precludes a tenant from pursuing any alternative remedy available under the law.

(2) A public entity which has acted pursuant to this section may institute a civil proceeding against any owner who has again offered accommodations for rent or lease subject to this subdivision, for exemplary damages for displacement of tenants or lessees. Any action by a public entity pursuant to this paragraph shall be brought within three years of the withdrawal of the accommodations from rent or lease.

(3) Any owner who offers accommodations again for rent or lease shall first offer the unit for rent or lease to the tenant or lessee displaced from that unit by the withdrawal pursuant to this chapter, if the tenant has advised the owner in writing within 30 days of the displacement of the tenant's desire to consider an offer to renew the tenancy and has furnished the owner with an address to which that offer is to be directed. That tenant, lessee, or former tenant or lessee may advise the owner at any time during the eligibility of a change of address to which an offer is to be directed.

If the owner again offers the accommodations for rent or lease pursuant to this subdivision, and the tenant or lessee has advised the owner pursuant to this subdivision of a desire to consider an offer to renew the tenancy, then the owner shall offer to reinstitute a rental agreement or lease on terms permitted by law to that displaced tenant or lessee.

This offer shall be deposited in the United States mail, by registered or certified mail with postage prepaid, addressed to the displaced tenant or lessee at the address furnished to the owner as provided in this subdivision, and shall describe the terms of the offer. The displaced tenant or lessee shall have 30 days from the deposit of the offer in the mail to accept the offer by personal delivery of that acceptance or by deposit of the acceptance in the United States mail by registered or certified mail with postage prepaid.

(c) A public entity which has acted pursuant to this section, may require by statute or ordinance, or by regulation as specified in Section 7060.5, that an owner who offers accommodations again for rent or lease within a period not exceeding 10 years from the date on which they are withdrawn, and which are subject to this subdivision, shall first offer the unit to the tenant or lessee displaced from that unit by the withdrawal, if that tenant or lessee requests

the offer in writing within 30 days after the owner has notified the public entity of an intention to offer the accommodations again for residential rent or lease pursuant to a requirement adopted by the public entity under subdivision (c) of Section 7060.4. The owner of the accommodations shall be liable to any tenant or lessee who was displaced by that action for failure to comply with this paragraph, for punitive damages in an amount which does not exceed the contract rent for six months, and the payment of which shall not be construed to extinguish the owner's obligation to comply with this subdivision.

(d) If the accommodations are demolished, and new accommodations are constructed on the same property, and offered for rent or lease within five years of the date the accommodations were withdrawn from rent or lease, the newly constructed accommodations shall be subject to any system of controls on the price at which they would be offered on the basis of a fair and reasonable return on the newly constructed accommodations, notwithstanding any exemption from the system of controls for newly constructed accommodations.

(e) The amendments to this section enacted by the act adding this subdivision shall apply to all new tenancies created after December 31, 2002. If a new tenancy was lawfully created prior to January 1, 2003, after a lawful withdrawal of the unit under this chapter, the amendments to this section enacted by the act adding this subdivision may not apply to new tenancies created after that date.

(Amended by Stats. 2019, Ch. 596, Sec. 1. (AB 1399) Effective January 1, 2020.)

7060.3. If a public entity determines to apply constraints pursuant to Section 7060.2 to a successor in interest of an owner who has withdrawn accommodations from rent or lease, the public entity shall record a notice with the county recorder which shall specifically describe the real property where the accommodations are located, the dates applicable to the constraints and the name of the owner of record of the real property. The notice shall be indexed in the grantor-grantee index.

A person who acquires title to the real property subsequent to the date upon which the accommodations thereon have been withdrawn from rent or lease, as a bona fide purchaser for value, shall not be a successor in interest for the purposes of this chapter if the notice prescribed by this section has not been recorded with the county recorder at least one day before the transfer of title.

(Amended by Stats. 1986, Ch. 509, Sec. 1.)

7060.4. (a) Any public entity which, by a valid exercise of its police power, has in effect any control or system of control on the price at which accommodations are offered for rent or lease, may require by statute or ordinance, or by regulation as specified in Section 7060.5, that the owner notify the entity of an intention to withdraw those accommodations from rent or lease and may require that the notice contain statements, under penalty of perjury, providing information on the number of accommodations, the address or location of those accommodations, the name or names of the tenants or lessees of the accommodations, and the rent applicable to each residential rental unit.

Information respecting the name or names of the tenants, the rent applicable to any residential rental unit, or the total number of accommodations, is confidential information and for purposes of this chapter shall be treated as confidential information by any public entity for purposes of the Information Practices Act of 1977 (Chapter 1 (commencing with Section 1798) of Title 1.8 of Part 4 of Division 3 of the Civil Code). A public entity shall, to the extent required by the preceding sentence, be considered an "agency," as defined by subdivision (d) of Section 1798.3 of the Civil Code.

(b) The statute, ordinance, or regulation of the public entity may require that the owner record with the county recorder a memorandum summarizing the provisions, other than the confidential provisions, of the notice in a form which shall be prescribed by the statute, ordinance, or regulation, and require a certification with that notice that actions have been initiated as required by law to terminate any existing tenancies. In that situation, the date on which the accommodations are withdrawn from rent or lease for purposes of this chapter is 120 days from the delivery in person or by first-class mail of that notice to the public entity. However, if the tenant or lessee is at least 62 years of age or disabled, and has lived in their accommodations or unit within the accommodations for at least one year prior to the date of delivery to the public entity of the notice of intent to withdraw pursuant to subdivision (a), then the date of withdrawal of the accommodations of that tenant or lessee shall be extended to one year after the date of delivery of that notice to the public entity, provided that the tenant or lessee gives written notice of their entitlement to an extension to the owner within 60 days of the date of delivery to the public entity of the notice of intent to withdraw. In that situation, the following provisions shall apply:

(1) The tenancy shall be continued on the same terms and conditions as existed on the date of delivery to the public entity of the notice of intent to withdraw, subject to any adjustments otherwise available under the system of control.

(2) No party shall be relieved of the duty to perform any obligation under the lease or rental agreement.

(3) The owner may elect to extend the tenancy on any other unit within the accommodations up to one year after date of delivery to the public entity of the notice of intent to withdraw, subject to paragraphs (1) and (2).

(4) Within 30 days of the notification by the tenant or lessee to the owner of their entitlement to an extension, the owner shall give written notice to the public entity of the claim that the tenant or lessee is entitled to stay in their accommodations or unit within the accommodations for one year after date of delivery to the public entity of the notice of intent to withdraw.

(5) Within 90 days of date of delivery to the public entity of the notice of intent to withdraw, the owner shall give written notice of the owner's election to extend a tenancy under paragraph (3) and the revised date of withdrawal to the public entity and any tenant or lessee whose tenancy is extended.

(6) The date of withdrawal for the accommodations as a whole, for purposes of calculating the time periods described in Section 7060.2, shall be the latest termination date among all tenants within the accommodations, as stated in the notices required by paragraphs (4) and (5). An owner's further voluntary extension of a tenancy beyond the date stated in the notices required by paragraphs (4) and (5) shall not extend the date of withdrawal.

(c) The statute, ordinance, or regulation of the public entity adopted pursuant to subdivision (a) may also require the owner to notify any tenant or lessee displaced pursuant to this chapter of the following:

(1) That the public entity has been notified pursuant to subdivision (a).

(2) That the notice to the public entity specified the name and the amount of rent paid by the tenant or lessee as an occupant of the accommodations.

(3) The amount of rent the owner specified in the notice to the public entity.

(4) Notice to the tenant or lessee of their rights under paragraph (3) of subdivision (b) of Section 7060.2.

(5) Notice to the tenant or lessee of the following:

(A) If the tenant or lessee is at least 62 years of age or disabled, and has lived in their accommodations for at least one year prior to the date of delivery to the public entity of the notice of intent to withdraw, then tenancy shall be extended to one year after date of delivery to the public entity of the notice of intent to withdraw, provided that the tenant or lessee gives written notice of their entitlement to the owner within 60 days of date of delivery to the public entity of the notice of intent to withdraw.

(B) The extended tenancy shall be continued on the same terms and conditions as existed on date of delivery to the public entity of the notice of intent to withdraw, subject to any adjustments otherwise available under the system of control.

(C) No party shall be relieved of the duty to perform any obligation under the lease or rental agreement during the extended tenancy.

(d) The statute, ordinance, or regulation of the public entity adopted pursuant to subdivision (a) may also require the owner to notify the public entity in writing of an intention to again offer the accommodations for rent or lease.

(Amended by Stats. 2019, Ch. 596, Sec. 2. (AB 1399) Effective January 1, 2020.)

7060.5. The actions authorized by Sections 7060.2 and 7060.4 may be taken by regulation adopted after public notice and hearing by a public body of a public entity, if the members of the body have been elected by the voters of the public entity. The regulation shall be subject to referendum in the manner prescribed by law for the ordinances of the legislative body of the public entity except that:

(a) The decision to repeal the regulation or to submit it to the voters shall be made by the public body which adopted the regulation.

(b) The regulation shall become effective upon adoption by the public body of the public entity and shall remain in effect until a majority of the voters voting on the issue vote against the regulation, notwithstanding Section 9235, 9237, or 9241 of the Elections Code or any other law.

(Amended by Stats. 1994, Ch. 923, Sec. 36. Effective January 1, 1995.)

7060.6. If an owner seeks to displace a tenant or lessee from accommodations withdrawn from rent or lease pursuant to this chapter by an unlawful detainer proceeding, the tenant or lessee may appear and answer or demur pursuant to Section 1170 of the Code of Civil Procedure and may assert by way of defense that the owner has not complied with the applicable provisions of this chapter, or statutes, ordinances, or regulations of public entities adopted to implement this chapter, as authorized by this chapter.

(Added by Stats. 1985, Ch. 1509, Sec. 1. Operative July 1, 1986, by Sec. 2 of Ch. 1509.)

7060.7. It is the intent of the Legislature in enacting this chapter to supersede any holding or portion of any holding in Nash v. City of Santa Monica, 37 Cal.3d 97 to the extent that the holding, or portion of the holding, conflicts with this chapter, so as to permit landlords to go out of business. However, this act is not otherwise intended to do any of the following:

(a) Interfere with local governmental authority over land use, including regulation of the conversion of existing housing to condominiums or other subdivided interests or to other nonresidential use following its withdrawal from rent or lease under this chapter.

(b) Preempt local or municipal environmental or land use regulations, procedures, or controls that govern the demolition and redevelopment of residential property.

(c) Override procedural protections designed to prevent abuse of the right to evict tenants.

(d) Permit an owner to do any of the following:

(1) Withdraw from rent or lease less than all of the accommodations, as defined by paragraph (1) or (2) of subdivision (b) of Section 7060.

(2) Decline to make a written rerental offer to any tenant or lessee who occupied a unit at the time when the owner gave the public entity notice of its intent to withdraw the accommodations, in the manner and within the timeframe specified in paragraph (3) of subdivision (b), or in subdivision (c), of Section 7060.2. But the requirements of this paragraph shall not apply to:

(A) A unit that was the principal place of residence of any owner or owner's family member at the time of withdrawal, provided that it continues to be that person's or those persons' principal place of residence when accommodations are returned to the rental market as provided in this section.

(B) A unit that is the principal place of residence of an owner when the accommodations are returned to the rental market, if it is the owners' principal place of residence, at the time of return to the rental market, as provided in this section. If the owner vacates the unit within 10 years from the date of withdrawal, the owner shall, within 30 days, offer to rerent if required under this paragraph.

(e) Grant to any public entity any power which it does not possess independent of this chapter to control or establish a system of control on the price at which accommodations may be offered for rent or lease, or to diminish any such power which that public entity may possess, except as specifically provided in this chapter.

(f) Alter in any way either Section 65863.7 relating to the withdrawal of accommodations which comprise a mobilehome park from rent or lease or subdivision (f) of Section 798.56 of the Civil Code relating to a change of use of a mobilehome park.

(Amended by Stats. 2019, Ch. 596, Sec. 3. (AB 1399) Effective January 1, 2020.)

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Can More Housing Supply Solve the Affordability Crisis? Evidence from a Neighborhood Choice Model*

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Abstract

We estimate a neighborhood choice model using 2014 American Community Survey data to investigate the degree to which new housing supply can improve housing affordability. In the model, equilibrium rental rates are determined so that the number of households choosing each neighborhood is equal to the number of housing units in each neighborhood. We use the estimated model to simulate how rental rates would respond to an exogenous increase in the number of housing units in a neighborhood. We find that the rent elasticity is low, and thus marginal reductions in supply constraints alone are unlikely to meaningfully reduce rent burdens. The reason for this result appears to be that rental rates are more closely determined by the level of amenities in a neighborhood—as in a Rosen-Roback spatial equilibrium framework—than by the supply of housing.

JEL Codes: R21, R31

Keywords: Housing affordability, housing supply, neighborhood choice

*The analysis and conclusions set forth are those of the authors and do not indicate concurrence by other members of the research staff or the Board of Governors of the Federal Reserve System.

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1 Introduction

Housing rents have appreciated significantly in recent years. Rising rents and stagnant incomes across much of the income distribution have contributed to what has been called an "affordability crisis", where the share of households spending greater than 30 percent of their income on housing is near an all-time high.[1] The increasing expenditure share on housing does not appear to be driven by households consuming housing units of higher physical quality, or by rising construction costs. Rather, quality-adjusted prices are increasing even as the cost of producing a home has stayed more or less the same. These facts have prompted many to suggest that constraints on the supply of housing, such as land use regulations or labor shortages, are at the heart of the affordability crisis. Relaxing such constraints is widely proposed as a solution to the affordability crisis.[2]

However, the effect of relaxing supply constraints on affordability will, of course, depend on the elasticity of rent with respect to new housing supply. If the rent elasticity is low, for potential reasons that we will discuss later, then relaxing supply constraints may spur construction but still do little to improve affordability. Ideally, we could estimate the rent elasticity directly from data. But identification is a challenge because there are few sources of exogenous variation in the housing supply. Indeed, we are not aware of any direct estimates of the rent elasticity with respect to new housing supply in the literature.

In this paper, we present simulation-based evidence that the elasticity of rent with respect to small changes in housing supply within metropolitan areas (henceforth, "cities") is low. The implication of this finding is that even if a city were able to ease some supply constraints to achieve a marginal increase in its housing stock, the city will not experience a meaningful reduction in rental burdens.[3] Following Bayer et al. (2007), we first estimate an equilibrium model of neighborhood choice,

[1] Housing expenditures for owners have also been increasing in recent years, but the fraction of cost burdened households is much higher among renters than owners.

[2] Examples of proposed solutions for relaxing constraints include more accommodative monetary policy, construction worker retraining, and the transfer of local housing regulation authority to state or federal levels where the externalities associated with restrictive housing supply could be internalized more effectively.

[3] As an example of such city action, the Los Angeles mayor recently outlined a plan to improve affordability by increasing the housing stock in LA by 100,000 units by 2021 through subsidies and cutting of red tape that drive up costs for builders. Source: `http://www.latimes.com/business/realestate/la-fi-garcetti-build-100k-new-units-20141029-story.html`

in which equilibrium rents are determined so that the number of households choosing each neighborhood in a city is equal to the number of housing units in that neighborhood.[4] We estimate the model using data on household neighborhood choice from the 2014 American Community Survey (ACS) for 10 major cities. We define neighborhoods within cities as public use microdata areas (PUMAs), which are contiguous geographic areas of at least 100,000 people.[5] Using the estimated model, we then simulate the effect on rents of exogenously adding housing stock to the most expensive neighborhoods in each city. We find that increasing the housing stock in the most expensive neighborhoods by 5% would only reduce equilibrium rents in those neighborhoods by less than 0.5%. The implied rent elasticity is therefore quite low.

An important reason for the low rent elasticity in the model is that we estimate a relatively low amount of preference heterogeneity across households. In other words, there tends to be more agreement than disagreement across households on which neighborhoods in the city have the most attractive amenities. This finding implies that the willingness to pay to live in a particular neighborhood for a household that is on the margin between living in that neighborhood and elsewhere will be similar before and after a change in housing supply. As prices are set by the willingness to pay of the marginal household in our model, the price elasticity with respect to new supply is small. In our estimated model, rental rates are more closely determined by the level of amenities in a neighborhood—as in a Rosen-Roback (Rosen et al. (1979); Roback (1982)) spatial equilibrium framework—than by the supply of housing.

We close the paper by considering an alternative approach for reducing rents, which is to improve amenities in substitute neighborhoods. For example, improving access to and the quality of public transportation in neighborhoods far from the city core could make these neighborhoods more competitive with more expensive, downtown neighborhoods and so could relieve some price pressure in downtown neighborhoods through a substitution effect. To explore this idea, we conduct a counterfactual simulation in which we assume that the resources used to construct a given number of new homes in high-priced neighborhoods are instead used to increase the

[4]The model and estimation strategy are based on McFadden (1978) and Berry et al. (1995), respectively. Bayer et al. (2004, 2007) were the first to introduce this empirical approach into urban economics, and the approach has become a foundation for structural estimation of neighborhood choice models in urban economics (Holmes et al. (2015)).

[5]PUMAs are constructed by the Census Bureau based on census tracts and counties. It is the smallest geographic unit used by the Census for disseminating individual level data from survey respondents.

amenity quality in low-priced neighborhoods. We find that, even when using conservative estimates of the construction cost of building more units, improving amenities in low-priced neighborhoods has a larger effect on rents in high-priced neighborhoods than directly adding new housing supply in those neighborhoods.

One potentially important assumption behind our analysis throughout this paper is that our model treats each city as a closed economy. Although households can choose from among many different types of neighborhoods within the city, they cannot choose to live outside the city, and households from outside the city cannot choose to move to the city. Therefore, in our counterfactuals where we expand the housing supply, we must assume that the new entrants to the city arrive exogenously, and we must make an assumption about the distribution of preferences among the new entrants. Our counterfactuals are concerned with small changes to the housing stock, so it turns out that our results are not too sensitive to this assumption. However, for larger changes to the housing stock of the city, the number and particular preference distribution of new entrants may become important for the main results. Moreover, our model ignores any potential congestive or agglomerative effects associated with increasing housing supply in a city, which may be appropriate for small changes but is less realistic for large changes. Thus, we caution against extrapolating our model's elasticities to very large changes to the housing stock.

We are not aware of any studies that directly estimate the rent elasticity with respect to new housing supply. However, a number of papers estimate the effect of regulation on the price and quantity of housing.[6] Gyourko and Molloy (2014) review this literature and conclude that regulation tends to have sizable positive effects on prices and negative effects on construction, though there are a range of estimates in the literature and many of the estimates should be interpreted with caution because variation in regulation is deeply endogenous.[7] Interestingly, Glaeser and Ward (2009), who study the effects of local regulation on relative house prices between towns within the Boston metro area, find small effects of regulation on price, consistent with our findings. They attribute the small effects to the high substitutability of towns within

[6]We focus on the price elasticity with respect to new housing supply because regulations are difficult to measure and vary quite a bit across location and time periods, making it difficult to extrapolate the elasticities to actual policies under consideration. Furthermore, supply constraints can be relaxed to increase housing supply through policies other than land use regulation.

[7]Some examples in this literature include Katz and Rosen (1987); Pollakowski and Wachter (1990); Quigley and Raphael (2005); Malpezzi (1996); Mayer and Somerville (2000); Segal and Srinivasan (1985); Black and Hoben (1985).

Boston, which is consistent with the mechanism highlighted in our model of low preference heterogeneity resulting in a low elasticity of rent with respect to new supply. The papers that find large effects of regulation on house prices are not necessarily at odds with our findings in this paper, because regulations can have very large effects on the housing stock. For example, Jackson (2016) finds that an additional regulation reduces residential permits by 4 to 8 percent per year. Glaeser and Ward (2009) estimate even larger effects on supply. These effects on construction can accumulate into very large changes to the housing stock, especially when these regulations are in place for many years, as is often the case. Thus, regulation may be associated with changes to the size of the housing stock that are outside the scope of our model for the reasons mentioned above. Like our paper, most of the papers in the literature focus on prices and do not consider welfare implications of changing the housing supply. For discussions of welfare, see Hsieh and Moretti (2017), Turner et al. (2014), Herkenhoff et al. (2017), Engle et al. (1992), and Helsley and Strange (1995).

The intuition for our results is closely related to the theoretical model of Helsley and Strange (1995). Helsley and Strange (1995) consider the effect of growth controls (i.e. supply constraints) in a system of neighborhoods with homogeneous households. In the equilibrium of their model, price differences across neighborhoods reflect the amenity value of growth controls (i.e. through reduced congestion) rather than differences in the elasticity of housing supply created by the growth controls. So absent any direct effects of growth controls on neighborhood amenities, relative rents between neighborhoods are unaffected by growth controls. The total effect on rents depends on the housing supply elasticity in neighborhoods without growth controls. If housing supply is elastic in such neighborhoods, then the total effect on rents will also be small. This is comparable to the case emphasized in Engle et al. (1992), whose basic model is similar to Helsley and Strange (1995) but explicitly has rent in the neighborhood without growth control as being insensitive to population. Our model also bears many similarities to the model in Aura and Davidoff (2008), who show that in a model of housing demand with heterogeneous households, the effect of increasing land supply in a particular area on house prices in that area can be very small.

2 Motivating Facts

We begin with some basic facts on the geographic distribution of rental housing affordability that we compute using 2000 Census and 2014 American Community Survey download from IPUMS-USA (Ruggles et al. (1997)), and other sources. In 2014, 38.7 percent of U.S. households that rent spent more than 30 percent of their household income on rent, up from 29.2 percent of renters in 2000. Housing expenditures for owners have also been increasing in recent years, but the fraction of cost burdened households is much higher among renters than owners (see also Molloy (2017)). The renter share of US households has been increasing in recent years and stands near a 50-year high of around 37 percent (Fernald (2017)).[8] Motivated by the higher cost burdened share among renters and the increase in rental demand in recent years, in this paper we focus on renter households. Figure 1 shows that cost burdened renter households are not predominantly located in certain areas of the country. In most large metropolitan areas (more specifically, core-based statistical areas (CBSAs)), a significant share of households are cost burdened.

Figures 2-3 show that both declining incomes and increasing rents have contributed to the rising share of renters that are cost burdened. The increases in rents likely reflect increases in demand combined with some inelasticity of the housing supply due to a variety of factors, some of which we will discuss below. The declines in real median income are due to a variety of factors that are largely outside the scope of the housing market, and so there is probably little that housing policy—including the specific counterfactuals that we consider in our model below—can do to improve affordability through the income channel. Nonetheless, we motivate our model with a discussion of affordability to show that high rents are in fact burdening the budgets of many households.

The magnitude of the cost burdened share differs somewhat across metro areas. For example, in high-priced cities like Los Angeles and San Diego, the cost burdened share is about 15 percentage points higher than in lower-priced cities such as Houston and Charlotte. The positive correlation between rent and cost burden share holds across PUMAs as well, and also when rents are adjusted for differences in housing unit quality across PUMAs. Since house and neighborhood characteristics are limited

[8]For example, Gete and Reher (forthcoming) provides evidence that the contraction in mortgage supply after the great recession contributed to the increased rental demand in recent years.

in the ACS data, we obtain quality adjusted rents from Zillow. The Zillow rent index estimates the median rent that would be offered for all properties within a geographic unit (regardless of which units are actually for rent at any given time). Zillow provides rent data at the zipcode level, which we then aggregate to PUMAs using a crosswalk provided by the Missouri Census Data Center. Figure 4 shows that, across PUMAs, a one dollar increase in quality-adjusted monthly rent per square foot is a associated with a 9.5 percentage point increase in the cost burdened share.[9]

To further investigate differences in rents across neighborhoods, Figure 5 plots average quality-adjusted rent per square foot by distance-to-CBD for the ten largest metro areas.[10] Rents are from Zillow and are measured at the zipcode level. In most metro areas, including the ones shown in the figure, rents are highest in zipcodes closest to the city center.[11] In neighborhoods further from the CBD, Figure 5 shows that rents tend to flatten out around a rough estimate of annualized construction cost per sqft for each metro area, as estimated by the Company (2015). These construction cost estimates exclude land and regulatory costs. In areas of the city where rents are closer to construction costs, housing supply is likely to be more elastic due to more available land and fewer or less binding regulations in such areas (see Glaeser and Gyourko (2017)). Indeed, using the Census data, Figure 6 shows that in areas of the country that experienced household growth between 2000-2014, rent growth has been highest in areas close to the CBD, and household growth has been highest in areas furthest from the CBD, consistent with such areas having a more elastic housing supply than in areas closer to the CBD.[12] These results suggest that the rent elasticity with respect to new construction may vary significantly within cities, and motivates using a model that potentially allows for such within-city variation in the rent elasticity.

[9]See `https://www.zillow.com/research/zillow-rent-index-methodology-2393/` for more information on Zillow's methodology.

[10]We exclude New York because of missing rent data for some PUMAs. CBDs are defined as in Holian and Kahn (2015).

[11]The coefficient on distance-to-CBD in a regression of rent/sqft on distance-to-CBD with metro area fixed effects for the 100 largest metro areas is -0.23 and is statistically significant. A similar result holds for house prices.

[12]Couture and Handbury (2016) show a similar result for house price growth using Zillow house price data and household growth using ACS data at the census tract level. See also Bogin et al. (2016) for evidence that house price growth gradient with respect to distance from CBD has been strongly negative in recent years.

3 Model

We now present a model of equilibrium rent prices in a closed system of neighborhoods, i.e. a closed city. The model is based on the discrete choice framework of Bayer et al. (2004) and Bayer et al. (2007), in which heterogeneous households choose over a discrete set of housing choices, the supply of which is taken as given. In equilibrium, rental rates are set so that the number of households choosing each type of housing is equal to the supply of that type of housing. The vacancy rate is thus assumed to be zero.

Consider a city with $j = 1, \ldots, J$ locations (neighborhoods), each with observed characteristics $\mathbf{x}_j$ and rental price p_j. Neighborhood j has H_j units of housing, which for simplicity we will assume are identical in physical quality. The city is populated by $i = 1, \ldots, N$ households, with observed characteristics $\mathbf{z}_i$. The utility that household i receives from living in neighborhood j is:

$$\begin{aligned} V_{ij} &= \mathbf{x}_j'\alpha + \mathbf{z}_i'\Theta\mathbf{x}_j + \beta p_j + \mathbf{z}_i'\gamma p_j + \xi_j + \epsilon_{ij} \\ &\equiv v_{ij} + \epsilon_{ij} \end{aligned} \tag{1}$$

where α, Θ, β, γ are $K_x \times 1$, $K_z \times K_x$, 1×1, and $K_z \times 1$ vectors of parameters, where K_x is the number of observed neighborhood attributes and K_z is the number of observed household attributes. α defines the mean utility that households have over observed neighborhood attributes, and Θ defines how that utility varies by household attribute. β defines the mean utility that households have over rental rate, which should be negative, and γ defines how that utility varies by household attribute. ξ_j is a scalar that captures any unobserved vertical quality differences between neighborhoods, i.e. differences in the mean utility across neighborhoods, and ϵ_{ij} is a scalar that captures any unobserved heterogeneity in tastes for different neighborhoods across households. Following Bayer et al. (2007) and much of the discrete choice literature, we assume that ϵ_{ij} is iid across households and neighborhoods, and that it is distributed according to a type-1 extreme value distribution. No assumptions are made about the distribution of ξ_j.

Given these assumptions, the probability that a household i chooses neighborhood j is:

$$P_{ij} = \frac{\exp v_{ij}}{\sum_{k=1}^{J} \exp v_{ik}} \tag{2}$$

and the total number of households choosing neighborhood j is simply $\sum_{i=1}^{N} P_{ij}$.[13] In equilibrium, housing markets clear and so the number of households choosing neighborhood j must be equal to the number of housing units in neighborhood j. The equilibrium condition is therefore:

$$\sum_{i=1}^{N} P_{ij} = H_j \tag{3}$$

Bayer et al. (2004) prove that if V_{ij} is a decreasing, linear function of p_j for all households, and if the distribution of ϵ_{ij} is continuous, then there exists a unique vector of rent prices p_j that clears the market (up to an additive constant).[14]

4 Estimation

4.1 Estimation Data

In order to estimate the model, we use public-use microdata from the 2014 American Community Survey. We use data from the 10 large metropolitan areas described in Section 2.We define neighborhoods as PUMAs, which is the finest level of geographic disaggregation that is available for public use in the ACS. For our sample of high population cities, we found that PUMAs capture fairly well the different neighborhoods within the city. Appendix Figure 1 shows a map of PUMAs for each city in our sample. For PUMA characteristics $\mathbf{x}_j$, we choose to include the percent white, percent with bachelor's degree or higher, percent population who do not drive to work[15], the distance to central business district, the median household income, and

[13] We assume that N is large so that the number of households choosing neighborhood j approaches the expected number of households choosing neighborhood j.

[14] An equilibrium rent vector can only be found up to an additive constant because in a closed city where all households are required to choose one neighborhood, a level shift in the rents for all neighborhoods would not affect the share of households choosing each neighborhood. We discuss how we choose the normalization constant in counterfactual simulations in Section 5.

[15] Ideally, we would like to know a household's place of work and compute for each household the commuting time between place of work and place of residence. However, in the public-use microdata, the place of work measure is only available at very high geographic aggregation (place-of-work PUMA, which is much larger than a standard PUMA), and so is not very useful for accurately estimating commuting time. We found that the best proxy for the degree to which a neighborhood is close to a typical resident's workplace is the percentage of the working population in that neighborhood that does not drive to work. This would include walking, biking, and taking public transportation (mostly bus, subway, or light rail).

the number of restaurants in the PUMA[16]. For household characteristics $\mathbf{z}_i$, we include the household's yearly income, an indicator for whether the household head is white, an indicator for whether the household head has a bachelor's degree or higher, an indicator for whether the household head is married, and an indicator for whether there are children in the household.

To estimate the rental rate in each PUMA, we use Zillow's zipcode-level Zillow Rent Index, which is an estimate of the median monthly rental rate offer for properties in that zipcode as described in Section 2.

4.2 Estimation Methodology

Our estimation methodology follows Bayer et al. (2007). Consider for now data from only a single city. The ACS data allows us to see the neighborhood choices of individual households in that city, and thus allows us to form the log-likelihood of the data for estimation. For each household i observed in the data, let $d_{ij} = 1$ if that household lives in PUMA j, and 0 otherwise. Let w_i be the sampling weight associated with that household (w_i represents the number of households that the surveyed unit represents). The log likelihood of the data is therefore:[17]

$$LL = \sum_{i=1}^{N} w_i \left(\sum_{j=1}^{J} d_{ij} \log P_{ij} \right) \tag{4}$$

One complication of estimating the model by maximum likelihood is that besides the parameters $\alpha, \Theta, \beta, \gamma$, there are also J unknowns, ξ_j, that affect the choice probabilities but that we have made no assumptions about. However, we note that V_{ij} can be written as:

$$V_{ij} = \lambda_{ij} + \delta_j + \epsilon_{ij} \tag{5}$$

where

$$\lambda_{ij} = \mathbf{z}_i' \Theta \mathbf{x}_j + \mathbf{z}_i' \gamma p_j \tag{6}$$

and

$$\delta_j = \mathbf{x}_j' \alpha + \beta p_j + \xi_j \tag{7}$$

[16]We found that the number of restaurants is an important variable which probably captures the level of consumption amenities in the location.

[17]Note that with sampling weights, the equilibrium condition becomes $\sum_{i=1}^{N} w_i P_{ij} = H_j$. We omitted sampling weights from the discussion in the previous section for expositional clarity.

λ_{ij} is the observable component of utility that varies across households and neighborhoods, and δ_j is the component of utility that is constant within neighborhoods. δ_j can be thought of the mean utility of the neighborhood j and λ_{ij} can be thought of how the utility shifts according to household characteristics.

As described in Bayer et al. (2004) and Bayer et al. (2007), estimation can proceed in two steps. In the first step, the paramters Θ, γ, and the full vector of δ_j's will be estimated by maximum likelihood. In the second step, the estimated δ_j's will be regressed on $\mathbf{x}_j$ and p_j, as in equation (7), to estimate α and β.

To implement the first step, we note that the equation:

$$\delta_j' = \delta_j + \log H_j - \log\left(\sum_{i=1}^{N} w_i P_{ij}\right) \tag{8}$$

is a contraction mapping in δ_j.[18] So, given an initial guess of Θ and γ, which allows us to compute λ_{ij}, repeated iteration of equation (8) will yield the unique vector of δ_j's such that the equilibrium condition $\sum_{i=1}^{N} w_i P_{ij} = H_j$ is satisfied. Intuitively, if the predicted number of households choosing neighborhood j is higher than the number of housing units, then the mean utility of that neighborhood, δ_j, will be reduced in the next iteration, and vice versa, until the equilibrium condition is satisfied for every j. Thus, we can estimate Θ and γ by the following algorithm:

1. For any guess of Θ and γ:
   (a) Start with an initial guess of the δ_j's
   (b) Repeatedly iterate on equation (8) until the δ_j's converge
   (c) Calculate the log likelihood at this vector of δ_j's
2. Search over Θ and γ to maximize the log likelihood.

Once this procedure is complete, we have an estimate of the equilibrium values of the δ_j's. If ξ_j is uncorrelated with $\mathbf{x}_j$ and p_j, then we can recover α and β by regressing δ_j on $\mathbf{x}_j$ and p_j. Of course, ξ_j will *not* generally be uncorrelated with p_j since unobserved quality of the neighborhood is expected to have a direct effect on the rental rate. We therefore need to construct an instrument for p_j in estimating equation (7). We follow the strategy of Bayer et al. (2004), which is to guess a reasonable value of α and β,

[18] See Berry et al. (1995) for further discussion and proof.

and then compute the vector of market clearing prices $\hat{p}_j$ that would prevail if $\xi_j = 0$. We note that because the estimates of δ_j are not used for this computation, $\hat{p}_j$ is a function only of the $\mathbf{x}_j$'s, which we assume to be exogenous to ξ_j. We then use $\hat{p}_j$ as the instrument for p_j. To choose initial values for α and β, we simply assume that $\beta = -1$ and then regress p_j on $\mathbf{x}_j$ to recover our initial guess of α.

4.3 Estimation Results

Table 1 reports our estimation results for the parameters $\alpha, \beta, \Theta, \gamma$ as described above. The row labeled "Mean" corresponds to estimates for α and β, while the other rows correpond to Θ and γ. We note that before estimating, we standardized each variable so that it has mean zero and standard deviation 1 within each city. We also pool the data from all the cities together, and assume that the preferences over the standardized units of amenities are the same across cities.[19] Thus, the interpretation of the coefficient on row "Mean" and column "Log Rent" is that the average household's utility is decreased by 3.542 utils when their log rental payment is increased by 1 standard deviation. In Table 2, we convert the parameter estimates to marginal willingness-to-pay, in units of log monthly rent, for a one standard deviation increase for each attribute. [20] The estimates on the row labeled "Mean" show the marginal willingness-to-pay for the average household in each city. The estimates on the rows labeled "log HH Income", "White", "B.A. or higher", "Married", and "Children in HH" show how the willingness-to-pay estimate changes with a one unit increase to each demographic characteristic. Finally, the numbers on the row labeled "S.D. of attribute" show the standard deviation (averaged across cities) of each neighborhood attribute.

On average, we find that households are willing to pay 3% more in rent for a 1 s.d. increase in the white-share of a neighborhood, 14% for a 1 s.d. increase in the college share, 1.6% more for a 1 s.d. increase in commutability, 4.8% more for a 1 s.d. *decrease* in the distance to CBD, 5.9% more for a 1 s.d. increase in neighborhood income, and 1.6% more for a 1 s.d. increase in the number of restaurants. Compared

[19] We do this because there are only about 40 PUMAs per city, so estimating equation (7) separately for each city results in very imprecise estimates.

[20] We define marginal willingness-to-pay as the increase in monthly rent associated with a 1 s.d. increase in a neighborhood attribute that would leave a household living in the average neighborhood indifferent to the change. Since the average neighborhood is different in each city, the estimates we report are averaged across cities.

to the mean willingness-to-pay, the effect of household demographic characteristics is comparatively small. Consistent with the results of Bayer et al. (2004), we find that the strongest effects are in the self-sorting preferences, i.e. whites prefer white neighborhoods, college educated prefer college educated neighborhoods, etc..

5 Can More Supply Improve Affordability?

5.1 Marginal Effects of Increasing Supply

We now use our model to simulate the effects of increasing housing supply. For our baseline experiment, we increase the housing stock in one target neighborhood by a small amount, and solve for the effects on equilibrium rental rates. We can solve for rental rates using equation 3 and replacing H_j for each j with the new, counterfactual size of the housing stock in each neighborhood. Aside from rental rates, the other variables and parameters in equation 1 are assumed to be invariant to the counterfactual change in housing supply.

To conduct this exercise, two further assumptions need to be made. First, because our model assumes a zero vacancy rate, increasing the number of housing units will increase the population in the city, in equilibrium, and so we need to assume the population characteristics of the new residents.[21] For our baseline counterfactual, we will assume that the distribution of characteristics in the new households is the same as in the existing population.[22]

Second, we need to choose a normalization constant for the counterfactual rent vector because equilibrium rents are only unique up to an additive scalar, as mentioned above. To choose the normalization constant, we define a set of PUMAs for each city as "outskirts", based on distance to CBD, and in the simulation we nor-

[21] We do not consider the possibility that existing residents will increase their consumption of housing space. This is unlikely to happen in the short-run when the experiment is to add new, separate housing units. However, it could happen in the long run if existing units get converted into larger units, or if the size and quality of newly constructed units changes. Our experiment is therefore best understood as the short-run effects of an exogenous increase in new housing units of equal quality to existing neighborhood units.

[22] In results available on request, we show that the main results are robust to different assumptions on the incoming population. For example, if we assume that all new entrants are college-educated, white, married, with no children, and high income, then the average effects are not much changed, but there are some slight differences in effects across neighborhoods (rental rates are reduced more if construction takes place in low SES neighborhods than if it took place in high SES neighborhoods.)

malize the counterfactual rent vector so that average rents in the outskirts do not change.[23] This decision is motivated by the evidence in Section 2 showing that in some areas of each city, housing supply appears fairly elastic and rents/house prices appear to be mainly determined by construction costs. Therefore, it is reasonable to assume that the prices in such areas will not change in our counterfactual.[24]

Table 3 reports the results of the baseline simulations. For each city, we conduct $4J$ simulations—four for each PUMA—of increasing the housing supply in that PUMA by 1%, 5%, 10%, and 20%. The table reports the average effect on rental rates in the target PUMA, averaged across PUMAs for each city. We only reported averages because the variance in the response across PUMAs for each city was very small. There are also equilibrium effects on the rental rates of non-targeted PUMAs, but they are very small and we do not report them. The results show that within PUMAs, the elasticity of rental rate with respect to an exogenous increase to housing supply is fairly low, less than 0.1 in all cases. It follows that the affordability or share cost burdened elasticity is also fairly low.

As we discussed in the introduction, demand for neighborhoods can be very elastic with respect to price (and thus price is inelastic with respect to new supply) if there is relatively little preference heterogeneity. We find that this is indeed the case based on our model estimates. We find that the variance of V_{ij} across PUMAs within households is between 14 and 15.4 for each city. The variance across households within PUMAs is an order of magnitude smaller—between 1.38 and 1.44—for each city. This suggests that neighborhoods are much more vertically differentiated than they are horizontally differentiated. As a result, the willingness to pay to live in a particular neighborhood for a household who is on the margin between living in that neighborhood and elsewhere will not be too different before and after a change in housing supply. As prices are set by the willingness to pay of the marginal household in our model, the price elasticity with respect to new supply is small.

To make this point more directly, we simulate how the price response would change if preference heterogeneity were greater. To do this, we first simulate the equilibrium

[23] We defined the distance to CBD threshold for outskirts separately by city. The threshold for each city was determined by visual inspection of Figure 5. The distance thresholds for each city are reported in Appendix Table 1.

[24] As discussed in the introduction, this assumption may be less realistic if changes to the housing supply are large enough to cause significant population loss and vacancies in the outskirts areas. Then, the total effect on rents will depend on the rent elasticity to population loss in the outskirts. Nevertheless, the effect on *relative* rents will remain the same (absent any changes to amenity levels.)

rent vector that would result (under the baseline vector of housing stock) if the standard deviation of the idiosyncratic preference term ϵ_{ij} were increased to two or three times its baseline level. We then simulate the equilibrium rent response to a 5% increase in housing supply to single PUMAs, under the counterfactual distributions of ϵ_{ij}. Table 4 reports the results. Consistent with our hypothesis that low preference heterogeneity explains a low rental rate response, we find that increasing the standard deviation of ϵ_{ij} does increase the rental rate response, and quite significantly. However, even in the scenario where the standard deviation of ϵ_{ij} is three times as large as in our baseline estimates, the rental elasticity is still small at about 0.2. The effect on rents in the non-targeted neighborhoods is also more responsive when there is more preference heterogeneity. However, because the share of households that must be reallocated from each of the non-targeted neighborhoods is very small in our simulations, the marginal person in each non-targeted neighborhood will barely change and the rent effects are still very small in the non-targeted neighborhoods even when there is more preference heterogeneity.

5.2 Increasing Supply vs. Improving Amenities

We now use our model to compare the price effects of building new housing supply versus improving amenities. In this experiment, we first simulate the equilibrium rent response in high priced areas in each of our 10 cities to increasing the housing stock in those areas by +5%. We define high priced areas as the top decile of PUMAs in terms of monthly rents. We then compare this to the equilibrium rent response in high priced areas to improving amenities in the non-high-priced areas (i.e. the bottom 9 deciles of PUMAs). Improving amenities in lower priced neighborhoods will make these neighborhoods more attractive relative to high priced neighborhoods, and could put downward price pressure on the high priced neighborhoods through a substitution effect. We will only compare the two policies on their effect on rents and so we will not make any statements about the total welfare effect of the policies.

In order for the two policies to have a consistent cost basis, we need to make two assumptions. First, we need to assume the total cost of adding 5% to the housing stock in high priced areas. Second, we need to assume the rate at which those construction costs could instead be turned into amenities in the non-high-priced areas. For the total cost, we use the RS Means estimate of the cost of building a 1,500 square foot

economy apartment unit as a baseline. This is likely an underestimate of the true cost of building in higher priced areas because these areas are already quite dense and are often naturally supply constrained by steep slopes and proximity to water. Therefore the building costs and externalities (e.g. from congestion) associated with adding housing stock to these areas is likely quite high.

To convert the construction cost to amenities, we simply assume a conversation rate of dollars to amenities based on our estimates of the parameters that multiply the rental rate in Table 1. These parameters tell us households' marginal utility of price and thus describes their indifference condition between utils and dollars. The assumption is then that this indifference condition also describes the rate at which utility over amenities (e.g. ξ_j) can be produced from dollars.[25] This particular experiment admittedly has little connection to any real policy (such as investment in public transportation), but without cost/benefit estimates for a specific policy proposal, we believe this is a reasonable benchmark to consider.[26]

Table 5 reports the results of this experiment, for various assumptions on the construction cost. Even for our baseline assumption on construction costs—which is almost surely an underestimate of the cost of building in high-priced neighborhoods—improving amenities in low-priced neighborhoods can have a larger impact on rents in high-priced neighborhoods than new housing supply. As we assume higher construction costs, the comparison favors improving amenities even more. The only city for which improving amenities is still not favored, even when we assume construction costs for high-priced neighborhoods of +50% of an economy apartment, is San Francisco.

For each neighborhood in the bottom 9 deciles of the rent distribution that receives the direct improvement to amenities, we find in unreported results that the effect on rents and affordability is very small. Even for the case of construction costs equal to +50% of an economy apartment, the effect on rents is less than 0.1% in such neighborhoods.

[25] We assume that the dollars are spread evenly among all housing units in the non-high-priced areas.This implicitly assumes that the expenditures are not on public goods.

[26] An alternative experiment would be to convert the construction cost to direct income subsidies to residents of the non-targeted PUMAs. In results available on request, we show that the effects of the income subsidy are similar in magnitude to and even larger than the conversion to amenities that we consider in Table 5, which further strengthens our argument that improving the attractiveness of low-priced neighborhoods could be a more effective means of improving affordability in high-priced neighborhoods than new construction.

6 Conclusion

The effect of new construction on rents is a highly relevant elasticity for evaluating solutions to the affordability crisis, but direct evidence on the magnitude of the elasticity is scarce. Motivated by a lack of reduced-form evidence, in this paper, we estimate a structural model of neighborhood choice that allows us to simulate this elasticity. Our results suggest that the rent elasticity is likely to be low, and thus marginal reductions in supply constraints alone are unlikely to meaningfully reduce rental burdens. An important reason for the low rent elasticity in the model is that we estimate a relatively low amount of preference heterogeneity across households. We also present evidence to suggest that improving amenities in low-priced neighborhoods is a more cost effective way to reduce prices in high-priced neighborhoods, via a substitution effect, than directly building additional housing units in high-priced areas.

In future research, we would like to more directly estimate the rental price elasticity to new construction, without having to rely on restrictive modeling assumptions. This is a challenging task, because construction of new housing supply is a highly endogenous process influenced by myriad economic and political factors, most of which are not observed. On the modeling side, opening up our framework to allow for migration across metro areas seems like a natural extension to pursue.

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Table 1: Estimation Results

	Pct. White	Pct. College	Pct. No Drive	Dist. to CBD	log Med. HH Inc.	# Restaurants	log Rent
Mean	0.435***	2.005***	0.2289	-0.6857***	0.8393***	0.2277**	-3.542***
	(0.1319)	(0.6051)	(0.1453)	(0.2226)	(0.3022)	(0.1013)	(1.048)
log HH Income	-0.03276***	-0.04454***	0.01663***	-0.001831***	0.1663***	-0.0051***	0.02733***
	(0.0002836)	(0.0004919)	(0.0002833)	(0.0002607)	(0.0004207)	(0.0002254)	(0.0003653)
White	0.4364***	-0.03558***	-0.006715***	0.01703***	-0.018***	-0.007669***	0.01945***
	(0.0002562)	(0.0004938)	(0.0002824)	(0.000278)	(0.0004288)	(0.0002358)	(0.0003688)
B.A. or higher	-0.01821***	0.3804***	0.003513***	-0.002896***	-0.03911***	0.006576***	-0.01141***
	(0.0003029)	(0.0005294)	(0.0003032)	(0.000281)	(0.0004568)	(0.0002421)	(0.0003925)
Married	0.03636***	-0.05255***	-0.04733***	0.03752***	0.1235***	-0.04145***	-0.01049***
	(0.000309)	(0.0005615)	(0.0003193)	(0.0002826)	(0.0004854)	(0.0002655)	(0.0004183)
Children in HH	-0.003192***	-0.1178***	-0.03988***	-0.04194***	0.08393***	-0.06094***	0.01269***
	(0.0002951)	(0.0005476)	(0.0003116)	(0.0002708)	(0.0004705)	(0.0002736)	(0.0004106)

Standard errors in parentheses, *** p<0.01, ** p<0.05, * p<0.1.

Note: This table reports maximum likelihood estimation results as described in Section 4. The coefficients in the row labeled "Constant" correspond to the estimates for α and β. The other coefficients correspond to Θ and γ. Each cell reports the increase in utils associated with a one standard deviation change to the neighborhood or household characteristic.

Table 2: Willingness to Pay in Log Rent for +1 s.d. in Neighborhood Amenities

	Pct. White	Pct. College	Pct. No Drive	Dist. to CBD	log Med. HH Inc.	# Restaurants
Mean	0.0306	0.1410	0.0161	-0.0482	0.0590	0.0160
log HH Income	-0.0013	-0.0013	0.0008	-0.0003	0.0078	-0.0002
White	0.0709	-0.0040	-0.0009	0.0021	-0.0022	-0.0010
B.A. or higher	-0.0028	0.0535	0.0004	-0.0001	-0.0060	0.0008
Married	0.0049	-0.0082	-0.0067	0.0055	0.0169	-0.0059
Children in HH	-0.0002	-0.0159	-0.0056	-0.0064	0.0125	-0.0087
S.D. of attribute	0.1964	0.1627	0.1003	33.29	0.3289	129.6

Note: This table reports willingness to pay for one standard deviation increase in neighborhood amenities. The willingness to pay is defined as the change in log-rent associated with an increase to the neighborhood amenity that would leave the household living in the average neighborhood indifferent to the change. Because the average neighborhood is different for each city, the willingness-to-pay estimates are averaged across cities.

Table 3: Simulation Results - Increasing Housing Stock to Single Neighborhoods

	Rent response to adding +X% housing stock			
City	+1%	+5%	+10%	+20%
Atlanta	-0.06%	-0.31%	-0.61%	-1.18%
Boston	-0.05%	-0.25%	-0.49%	-0.93%
Chicago	-0.07%	-0.34%	-0.66%	-1.27%
Dallas	-0.07%	-0.36%	-0.71%	-1.35%
Houston	-0.06%	-0.30%	-0.58%	-1.11%
Los Angeles	-0.07%	-0.36%	-0.71%	-1.36%
Miami	-0.06%	-0.30%	-0.59%	-1.13%
Philadelphia	-0.07%	-0.34%	-0.66%	-1.27%
San Francisco	-0.10%	-0.49%	-0.95%	-1.82%
Washington DC	-0.07%	-0.34%	-0.67%	-1.29%

Note: For each city, $4J$ simulations are conducted (4 for each PUMA), in which the housing stock in a single target PUMA is increased by 1%, 5%, 10%, or 20%. (The housing stock in each other PUMA remains the same.) This table reports the average simulated rental price response in target PUMAs, averaged within cities.

Table 4: The Role of Preference Heterogeneity in the Rent Response

	Rent response to adding +5% housing stock		
City	$\sigma = 1$	$\sigma = 2$	$\sigma = 3$
Atlanta	-0.31%	-0.62%	-0.94%
Boston	-0.25%	-0.49%	-0.74%
Chicago	-0.34%	-0.67%	-1.01%
Dallas	-0.36%	-0.72%	-1.07%
Houston	-0.30%	-0.59%	-0.88%
Los Angeles	-0.36%	-0.73%	-1.09%
Miami	-0.30%	-0.60%	-0.90%
Philadelphia	-0.34%	-0.67%	-1.01%
San Francisco	-0.49%	-0.97%	-1.45%
Washington DC	-0.34%	-0.68%	-1.02%

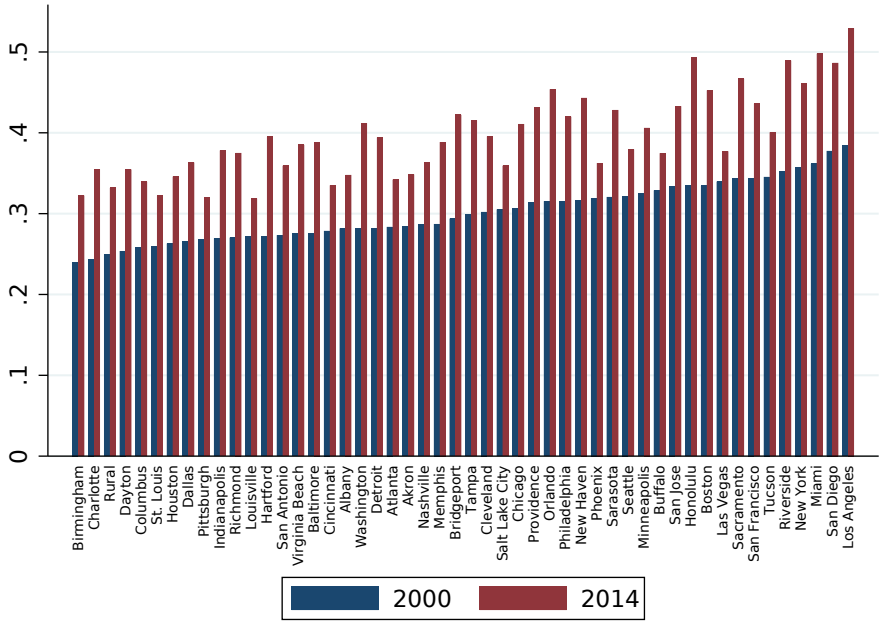
Note: For each city, a counterfactual rent vector is first simulated, assuming that the standard deviation of the idiosyncratic preference shock ϵ_{ij} is increased by a factor of 2 or 3 ($\sigma = 1$ is the baseline). For each counterfactual value of σ, J simulations are then conducted per city, one for each PUMA, in which the housing stock of a single target PUMA is increased by 5%. This table reports the average simulated rental price response in the target PUMAs, for counterfactual values of σ, averaged within cities.

Table 5: Increasing Housing Stock vs. Improving Amenities

	Rent response in top decile most expensive PUMAs to:						
City	adding +5% housing stock	improving amenities in the bottom 9 decile PUMAs (construction cost = base cost +X%)					
		X=0%	X=10%	X=20%	X=30%	X=40%	X=50%
Atlanta	-0.32%	-0.44%	-0.48%	-0.52%	-0.57%	-0.61%	-0.65%
Boston	-0.27%	-0.35%	-0.38%	-0.42%	-0.45%	-0.48%	-0.52%
Chicago	-0.36%	-0.44%	-0.48%	-0.53%	-0.57%	-0.62%	-0.66%
Dallas	-0.35%	-0.30%	-0.33%	-0.36%	-0.39%	-0.42%	-0.45%
Houston	-0.29%	-0.43%	-0.48%	-0.52%	-0.57%	-0.61%	-0.65%
Los Angeles	-0.33%	-0.30%	-0.33%	-0.35%	-0.38%	-0.41%	-0.44%
Miami	-0.30%	-0.25%	-0.27%	-0.30%	-0.32%	-0.35%	-0.37%
Philadelphia	-0.36%	-0.40%	-0.44%	-0.48%	-0.52%	-0.56%	-0.60%
San Francisco	-0.48%	-0.30%	-0.33%	-0.36%	-0.39%	-0.42%	-0.45%
Washington DC	-0.37%	-0.27%	-0.30%	-0.32%	-0.35%	-0.38%	-0.41%

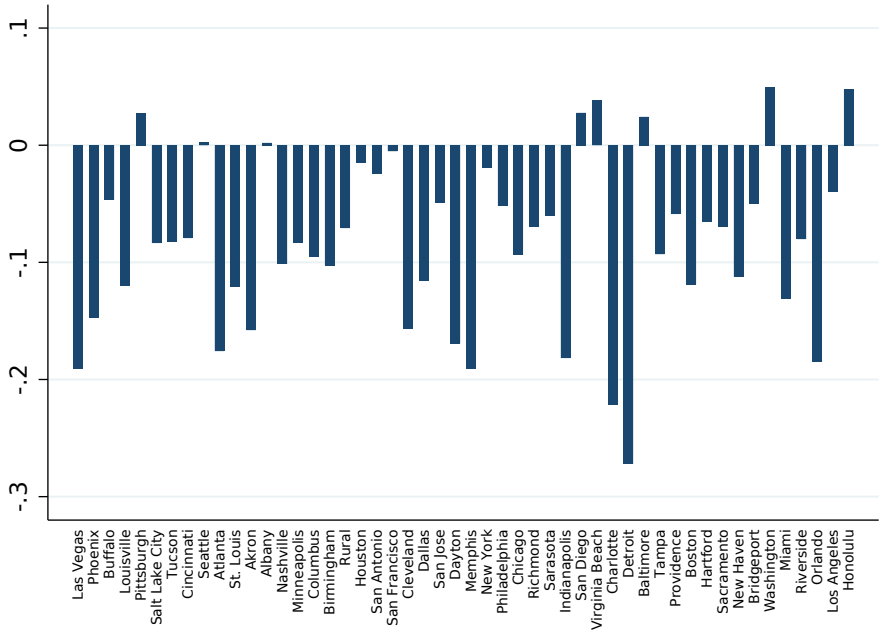
Note: For each city, we first simulate the equilibrium rent vector when the housing stock of the top decile most expensive PUMAs is increased by 5%. The first column of the table reports the average rent response in those top decile PUMAs. We then simulate the equilibrium rent vector when the housing stock remains at baseline, but the construction cost associated with the first simulation is instead spent on improving amenities in the bottom 9 decile PUMAs. (Section 5.2 describes the exercise in more detail.) Columns 2-7 of the Table reports the rent response in the *top decile* PUMAs in response to the increase in amenities to the *bottom* 9 decile PUMAs. Each column in columns 2-7 makes a different assumption about construction cost (+X% of the RS Means estimate of an economy apartment unit.)

Figure 1: Share of Households Cost Burdened, 2000 - 2014



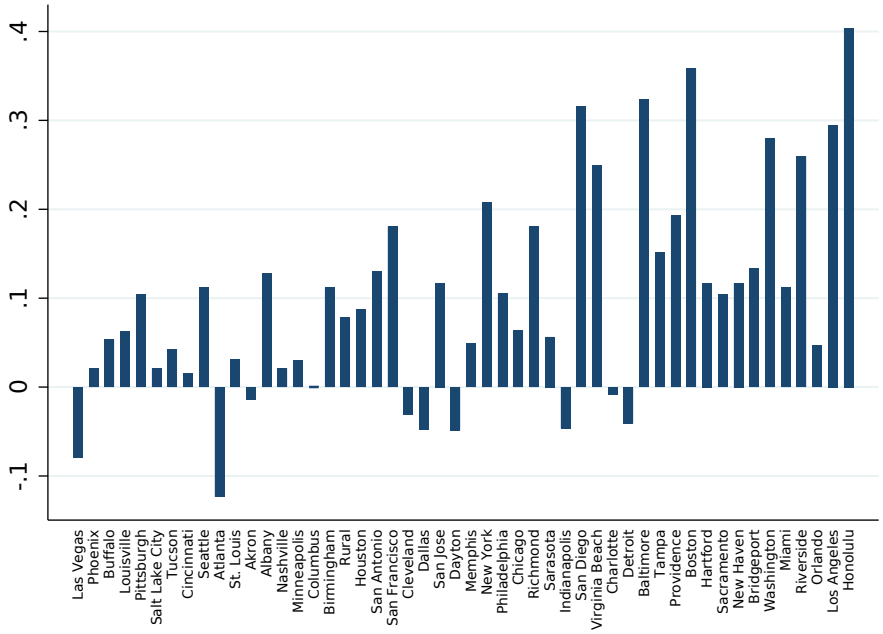
Shows share of households in each CBSA that spend at least 30 percent of their income on rent. Plot is for fifty most populous CBSAs as of 2000. Source: Census data.

Figure 2: Change in Log Median Real Household Income, 2000-2014



Plot is for fifty most populous CBSAs as of 2000 sorted by the largest change in the cost burdened share between 2000-2014. Source: Census data.

Figure 3: Change in Log Median Real Rent, 2000-2014

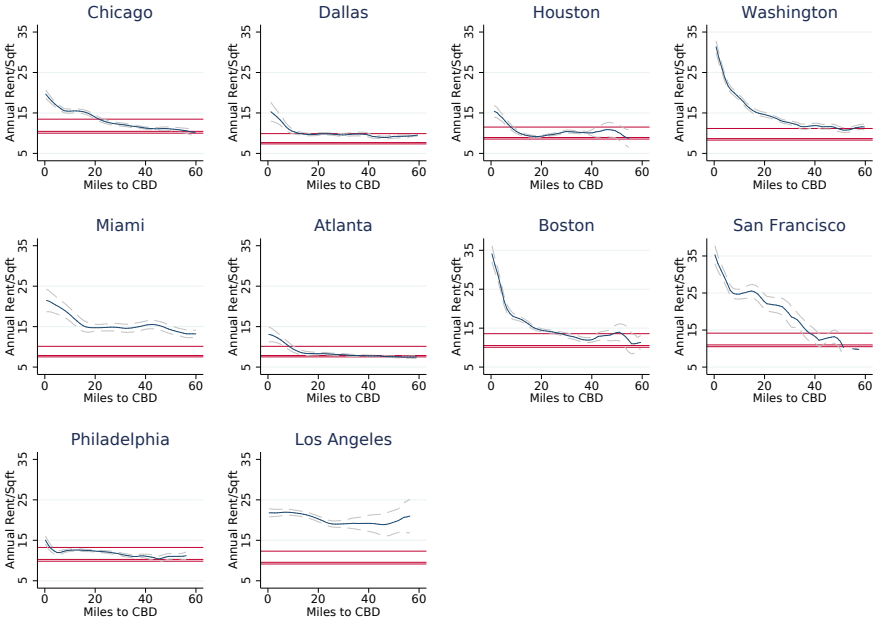


Plot is for fifty most populous CBSAs as of 2000 sorted by the largest change in the cost burdened share between 2000-2014. Source: Census data.

Figure 4: Correlation between Quality-Adjusted Rent/Sqft and Share Cost Burdened Across Census PUMAs in 2014

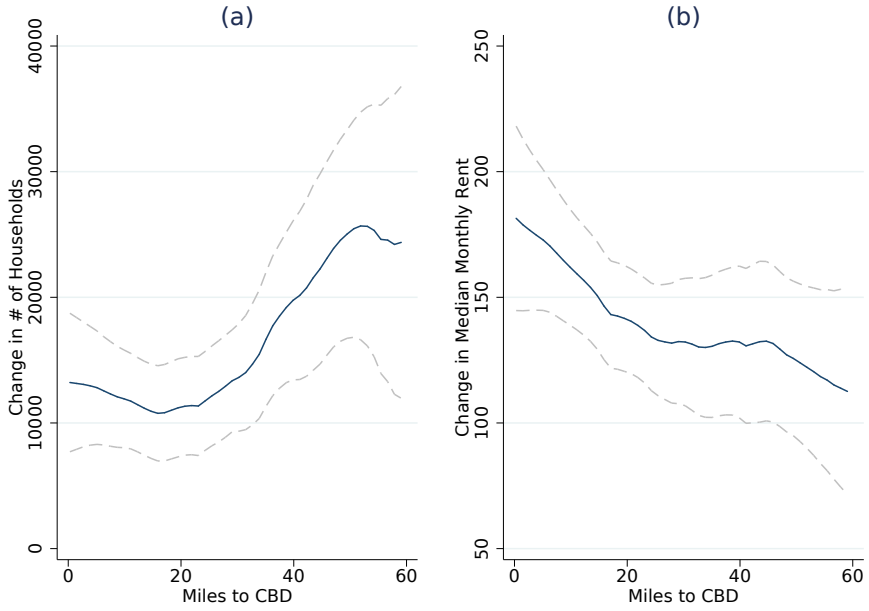
Cost burdened share is computed from the Census data. Rents are adjusted for unit quality and are from from Zillow.

Figure 5: Average Rent/Sqft by Distance to Central Business District in 2014



Rents are measured at the zipcode level. Rents are adjusted for unit quality and are from Zillow. The three horizontal red lines denote an estimate of construction cost per sqft for a 1-3 story (lowest cost), 4-7 story, and 8-20 story (highest cost) apartment building of average quality. The construction cost data come from the RS Means Company and are annualized by multiplying the cost by 0.05. The rent gradient for each CBSA is smoothed using a kernel-weighted local polynomial regression. The 95-percent confidence interval is shown by the dotted grey lines.

Figure 6: Change in Number of Households and Median Monthly Rent, 2000-2014



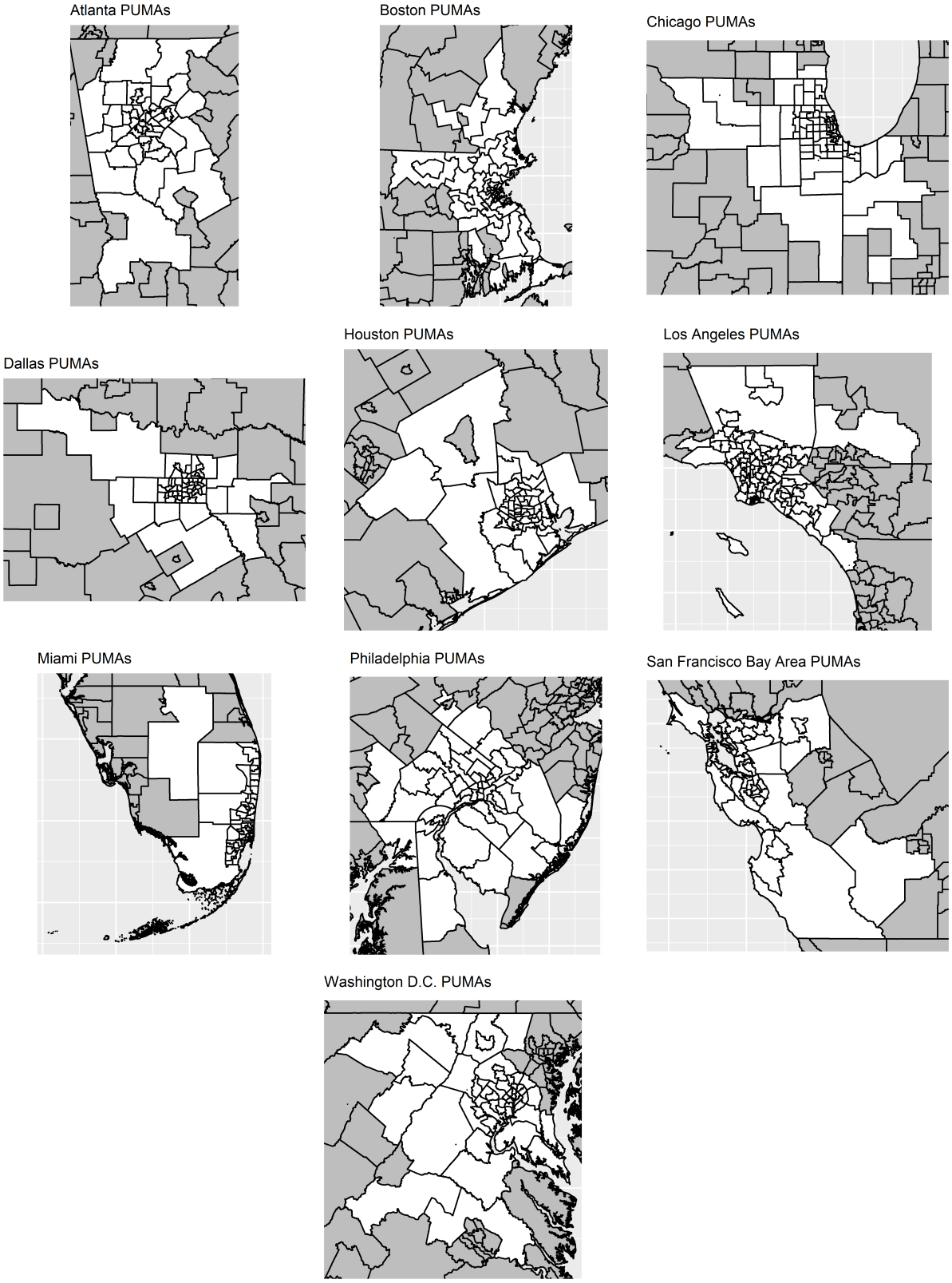
The graph summarizes household and rent growth in every 2000-2010 consistent Census PUMA in the US with at least at a 10,000 increase in number of households between 2000 and 2014. Consistent Census PUMAs are larger than PUMAs and are used to compare consistent geographic areas over time in the Census. All data shown uses Census data. Rents are not adjusted for unit quality. The gradient with respect to distance to CBD is smoothed using a kernel-weighted local polynomial regression. The 95-percent confidence interval is shown by the dotted grey lines.

Table A.1: Mileage Threshold for Outskirt Neighborhoods by City

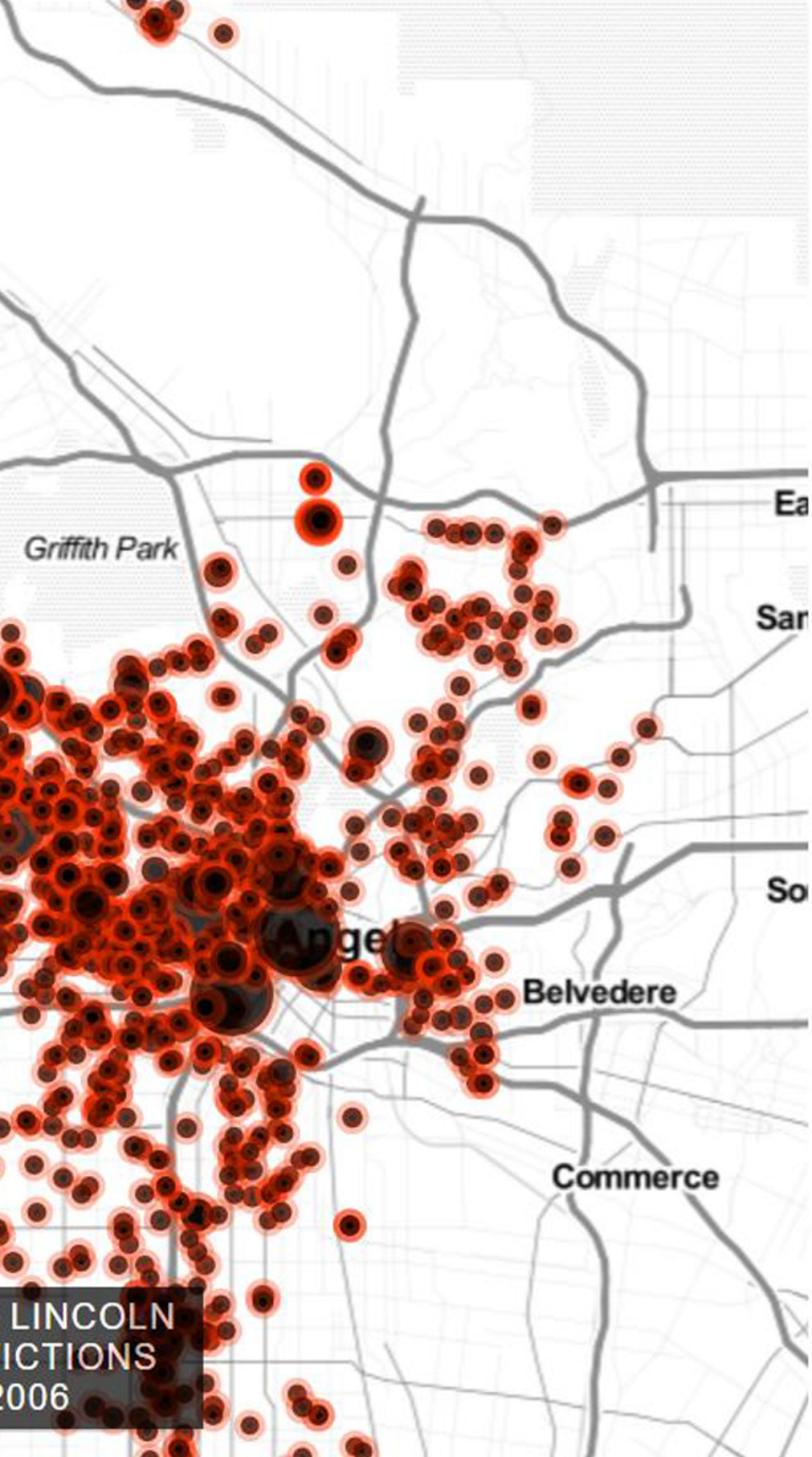
City	Mileage Threshold
Atlanta	16
Boston	38
Chicago	42
Dallas	12
Houston	17
Los Angeles	25
Miami	18
Philadelphia	38
San Francisco	43
Washington DC	40

Census PUMAs beyond the mileage threshold are classified as outskirts. In the counterfactual simulations discussed in Section 5, the counterfactual rent vector is normalized so that average rents in the outskirts do not change.

Figure A.1: Map of Census PUMAs by City



The CBSA is shaded in white. The black lines denote PUMA boundaries. The very light grey areas are water. PUMAs closer to the city core tend to have smaller areas because population density tends to be higher in such areas.



Ellis Act!

16479

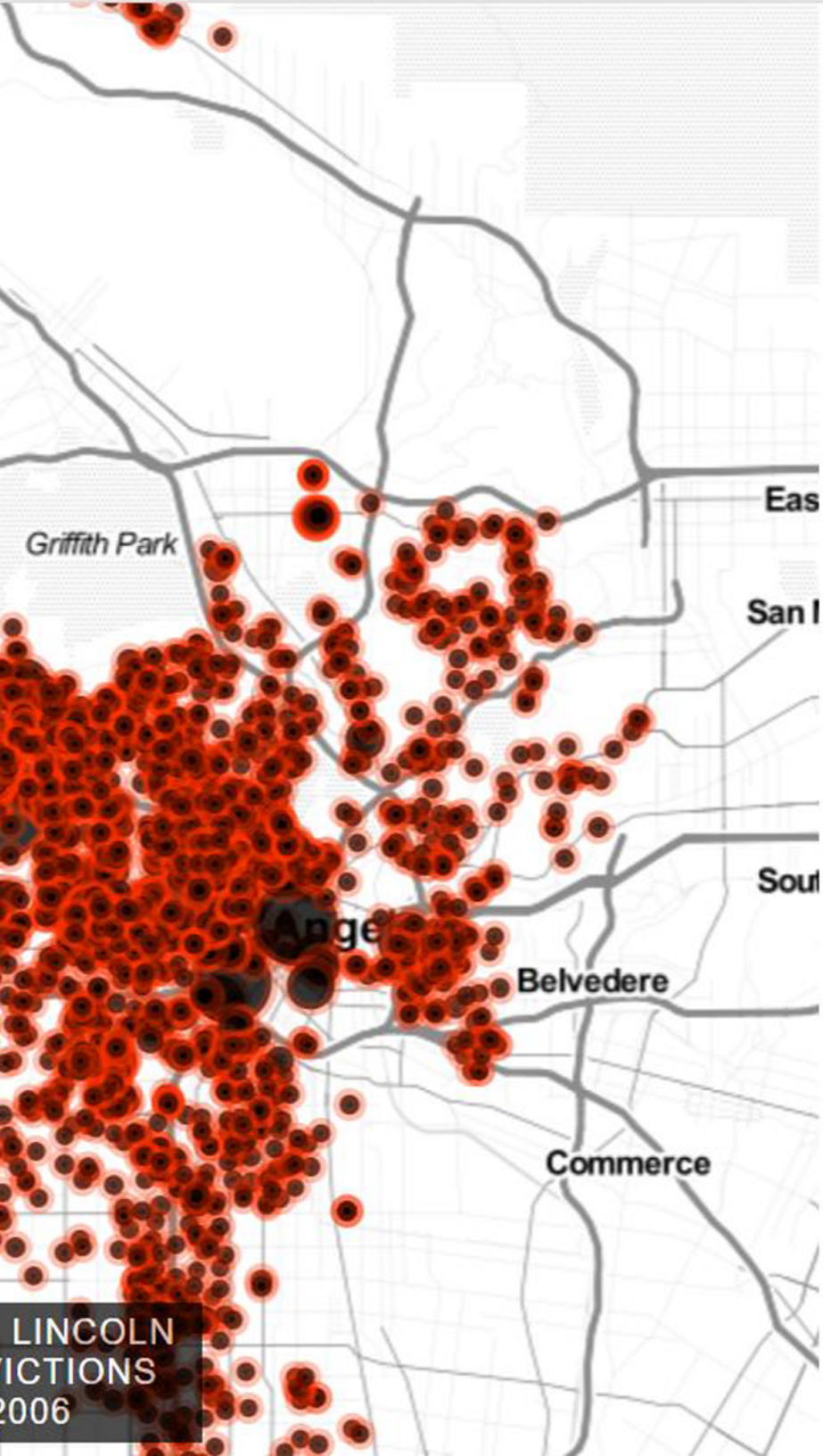
NUMBER OF UNITS IN WHICH LANDLORDS/DEVELOPERS FILED ELLIS ACT DECLARATIONS TO EVICT TENANTS WITH THE CITY OF LOS ANGELES

1/1/2001 - 12/22/2009

Map created by the Anti-Eviction Mapping Project

In collaboration with the Coalition for Economic Survival.

FOR ECONOMIC



Ellis Act!

26885

NUMBER OF UNITS IN WHICH LANDLORDS/DEVELOPERS FILED ELLIS ACT DECLARATIONS TO EVICT TENANTS WITH THE CITY OF LOS ANGELES

1/1/2001 - 4/15/2020

Map created by the Anti-Eviction Mapping Project

In collaboration with the Coalition for Economic Survival.

FOR ★ ECONOMIC

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Leafle

DEPARTMENT OF
CITY PLANNING
COMMISSION OFFICE
(213) 978-1300

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LISA M. WEBBER, AICP
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DEPUTY DIRECTOR

Mailing Date: August 24, 2020

Appeal Period Ends: September 2, 2020

WL Yucca Argyle Owner A, LLC (O)
11620 Wilshire Boulevard, Ste. 1150
Los Angeles, CA 90025

Greg Beck (A)
Riley Realty LP
11620 Wilshire Boulevard, Ste. 1150
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Kyndra Casper (R)
DLA Piper, LLP
550 South Hope Street, Ste. 2400
Los Angeles, CA 90071

RE: Vesting Tentative Tract Map No.: 73718
Address: 1756, 1760 North Argyle Avenue; 6210-6224 West Yucca Street
Community Plan: Hollywood
Zone: C4-2D-SN, R4-2D, and [Q]R3-1XL
Council District: 13 – O'Farrell
CEQA No.: ENV-2014-4706-EIR

Pursuant to Sections 21082.1(c) and 21081.6 of the Public Resources Code, the Advisory Agency has reviewed and considered the information contained in the Environmental Impact Report prepared for this project, which includes the Draft EIR, ENV-2014-4706-EIR (State Clearinghouse House No. 2015111073), dated April 23, 2020, and the Final EIR, dated August 7, 2020 (6220 West Yucca Project EIR), as well as the whole of the administrative record, and

CERTIFIED the following:

1) The 6220 West Yucca Project EIR has been completed in compliance with the California Environmental Quality Act (CEQA);
2) The 6220 West Yucca Project EIR was presented to the Advisory Agency as a decision-making body of the lead agency; and
3) The 6220 West Yucca Project EIR reflects the independent judgment and analysis of the lead agency.

ADOPTED the following:

1) The related and prepared 6220 West Yucca Project EIR Environmental Findings;
2) The Statement of Overriding Considerations; and
3) The Mitigation Monitoring Program prepared for the 6220 West Yucca Project EIR.

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

> **Vesting Tentative Tract Map No. 73718** (stamp dated July 27, 2020), located at 1756, 1760 North Argyle Avenue; 6210-6224 West Yucca Street, for the merger and resubdivision of four lots into one master ground lot for condominium purposes and five airspace lots for a mixed-use development (Modified Alternative 2) containing 269 multi-family residential units, and approximately 7,760 square feet of commercial/restaurant uses, on an approximately .90-acre (39,375 square foot) site and a Haul Route for the export of 23,833 cubic yards of soil

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 consideration is subject to the following conditions:

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

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)

1. That a 5-foot wide public sidewalk easement be provided along Argyle Avenue to complete a 12-foot sidewalk including a 10-foot by 10-foot or 15-foot radius property easement line return at the intersection with Yucca Street in accordance with Local Street Standards of LA Mobility Plan.

2. That a 6-foot wide public sidewalk easement be provided along Yucca Street to complete a 12-foot wide sidewalk area in accordance with Local Street Standards of LA Mobility Plan. Additional public sidewalk easement shall be provided at the location of the drop-off to complete a 12-foot sidewalk area.

3. That no architectural projection shall be shown on the final map.

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

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

    a. Plan view at different elevations.
    b. Isometric views.

c. Elevation views.
d. Section cuts at all locations where air space lot boundaries change.

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

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

a) Improve Argyle Avenue adjoining the subdivision by the construction of a new 12-foot full-width concrete sidewalk with tree wells including any necessary removal and reconstruction of existing improvements.

b) Improve Yucca Street adjoining the subdivision by the construction of a new 12-foot full-width concrete sidewalk including the new public sidewalk easement area with tree wells including any necessary removal and reconstruction of existing improvements. A full-width meandering concrete sidewalk shall also be provided at the drop-off area all satisfactory to the City Engineer.

DEPARTMENT OF BUILDING AND SAFETY, GRADING DIVISION

8. Prior to issuance of a grading/building permits, a design-level geotechnical/soils report shall be submitted to the Grading Division to provide recommendations specific to the proposed development. (Soils Report Approval Letter dated October 24, 2019 (Log # 110300))

9. Prior to issuance of any permit, a soil engineering report shall be submitted to the Grading Division to provide design recommendations for the proposed grading/construction. (Geology Report Approval Letter dated February 20, 2015 (Log #85579-01))

10. During construction, the project engineering geologist shall observe all excavations that expose the natural alluvial soils to verify the conclusions of the fault investigation and that no Holocene faults are exposed. The project engineering geologist shall post a notice on the job site for the City Grading Inspector and the Contractor stating that the excavation (or portion thereof) has been observed and documented and meets the conditions of the report. No fill or lagging shall be placed until the LADBS Grading Inspector has verified documentation. (2015 Letter)

11. A supplemental report that summarizes the geologist's observations (including photographs and simple logs of excavations) shall be submitted to the Grading Division of the Department upon completion of the excavations. If evidence of active faulting is observed, the Grading Division shall be notified immediately. (2015 Letter)

DEPARTMENT OF BUILDING AND SAFETY, ZONING DIVISION

12. 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 [Q] and D conditions. Show compliance with the above conditions as applicable or Department of City Planning approval is required.

c. Provide a copy of affidavit AF-93-103181-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.

d. Provide a copy of CPC case CPC-2014-4705-ZC-HD-MCUP-CU-SPR. Show compliance with all the conditions/requirements of the CPC case as applicable.

e. Zone Change must be recorded prior to obtaining Zoning clearance.

f. Show all street dedication(s) as required by Bureau of Engineering and provide net lot area after all dedication. “Area” requirements shall be re- checked as per net lot area after street dedication. Front and side yard requirements shall be required to comply with current code as measured from new property lines after dedication(s).

   Notes:

   This Proposed Project is within the Regional Center Commercial area.

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

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

   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.

BUREAU OF STREET LIGHTING

13. 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. IMPROVEMENT CONDITION: Construct new street light: one (1) on Argyle Ave. If street widening per BOE improvement conditions, relocate and upgrade street light; one (1) on Yucca St.

FIRE DEPARTMENT

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

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

    b. Address identification. New and existing buildings shall have approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property.

    c. 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).

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

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

    f. The width of private roadways for general access use and fire lanes shall not be less than 20 feet, and the fire lane must be clear to the sky.

    g. Fire lanes, where required and dead ending streets shall terminate in a cul-de-sac or other approved turning area. No dead ending street or fire lane shall be greater than 700 feet in length or secondary access shall be required.

    h. Submit plot plans indicating access road and turning area for Fire Department approval.

    i. All parking restrictions for fire lanes shall be posted and/or painted prior to any Temporary Certificate of Occupancy being issued.

    j. Plans showing areas to be posted and/or painted, “FIRE LANE NO PARKING” shall be submitted and approved by the Fire Department prior to building permit application sign-off.

k. Electric Gates approved by the Fire Department shall be tested by the Fire Department prior to Building and Safety granting a Certificate of Occupancy.

l. All public street and fire lane cul-de-sacs shall have the curbs painted red and/or be posted “No Parking at Any Time” prior to the issuance of a Certificate of Occupancy or Temporary Certificate of Occupancy for any structures adjacent to the cul-de-sac.

m. No framing shall be allowed until the roadway is installed to the satisfaction of the Fire Department.

n. 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.

o. 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.

p. The following recommendations of the Fire Department relative to fire safety shall be incorporated into the building plans, which includes the submittal of a plot plan for approval by the Fire Department either prior to the recordation of a final map or the approval of a building permit. The plot plan shall include the following minimum design features: fire lanes, where required, shall be a minimum of 20 feet in width; all structures must be within 300 feet of an approved fire hydrant, and entrances to any dwelling unit or guest room shall not be more than 150 feet in distance in horizontal travel from the edge of the roadway of an improved street or approved fire lane.

q. 2014 CITY OF LOS ANGELES FIRE CODE, SECTION 503.1.4 (EXCEPTION)

    a. 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.

    b. 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.

    c. This policy does not apply to single-family dwellings or to non-residential buildings.

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

s. Site plans shall include all overhead utility lines adjacent to the site.

t. Where access for a given development requires accommodation of Fire Department apparatus, overhead clearance shall not be less than 14 feet.

u. No proposed development utilizing cluster, group, or condominium design of one or two family dwellings shall be more than 150 feet from the edge of the roadway of an improved street, access road, or designated fire lane.

v. On small lot subdivisions, any lots used for access purposes shall be recorded on the final map as a “Fire Lane”.

w. Construction of public or private roadway in the proposed development shall not exceed 15 percent in grade.

x. Private development shall conform to the standard street dimensions shown on Department of Public Works Standard Plan S-470-0.

y. Standard cut-corners will be used on all turns.

z. FPB #105 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 communication systems.

aa. That in order to provide assurance that the proposed common fire lane and fire protection facilities, for the project, not maintained by the City, are properly and adequately maintained, the sub-divider shall record with the County Recorder, prior to the recordation of the final map, a covenant and agreement (Planning Department General Form CP-6770) to assure the following:

    i. The establishment of a property owners association, which shall cause a yearly inspection to be, made by a registered civil engineer of all common fire lanes and fire protection facilities. The association will undertake any necessary maintenance and corrective measures. Each future property owner shall automatically become a member of the association or organization required above and is automatically subject to a proportionate share of the cost.
    ii. The future owners of affected lots with common fire lanes and fire protection facilities shall be informed or their responsibility for the maintenance of the devices on their lots. The future owner and all successors will be presented with a copy of the maintenance program for their lot. Any amendment or modification that would defeat the obligation of said association as the Advisory Agency must approve required hereinabove in writing after consultation with the Fire Department.
    iii. In the event that the property owners association fails to maintain the common property and easements as required by the CC and R's, the individual property owners shall be responsible for their proportional share

of the maintenance.

iv. Prior to any building permits being issued, the applicant shall improve, to the satisfaction of the Fire Department, all common fire lanes and install all private fire hydrants to be required.

v. That the Common Fire Lanes and Fire Protection facilities be shown on the Final Map.

bb. The plot plans shall be approved by the Fire Department showing fire hydrants and access for each phase of the project prior to the recording of the final map for that phase. Each phase shall comply independently with code requirements.

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

dd. Building designs for multi-storied residential buildings shall incorporate at least one access stairwell off the main lobby of the building; But, in no case greater than 150ft horizontal travel distance from the edge of the public street, Private Street or Fire Lane. This stairwell shall extend onto the roof.

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

ff. Any required Fire Annunciator panel or Fire Control Room shall be located within 20ft visual line of site of the main entrance stairwell or to the satisfaction of the Fire Department.

gg. Where rescue window access is required, provide conditions and improvements necessary to meet accessibility standards as determined by the Los Angeles Fire Department.

hh. 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.

ii. Any required fire hydrants to be installed shall be fully operational and accepted by the Fire Department prior to any building construction.

jj. Recently, the Los Angeles Fire Department (LAFD) modified Fire Prevention Bureau (FPB) Requirement 10. Helicopter landing facilities 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 facilities.

kk. 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.

ll. 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 TRANSPORTATION

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

16. Parking stalls shall be designed so that a vehicle is not required to back into or out of any public street or sidewalk. LAMC 12.21 A.

17. A parking area and driveway plan be submitted to the Citywide Planning Coordination Section of the Department of Transportation for approval prior to submittal of building permit plans for plan check by the Department of Building and Safety. Transportation approvals are conducted at 201 N. Figueroa Street Room 550. For an appointment, call (213) 482-7024.

18. Haul Route Plans should be prepared with the collaborations of the LADOT Hollywood District Office – LADOT.HollywoodDistrict@lacity.org, 323-957-6843.

DEPARTMENT OF RECREATION AND PARKS

19. That the Quimby fee be based on the R3 and C2 Zones

    Note: As the application for the Vesting Tentative Tract map was deemed complete on August 16, 2016, the Project is not subject to the update in RAP fees per Ordinance No. 184,505.

DEPARTMENT OF WATER AND POWER

20. That the project be subject to any recommendations from the Department of Water and Power.

BUREAU OF SANITATION

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

INFORMATION TECHNOLOGY

22. To assure that cable television facilities will be installed in the same manner as other required improvements, please email 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.

URBAN FORESTRY DIVISION AND THE DEPARTMENT OF CITY PLANNING

23. 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.

    Notes:

    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

24. 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 one master ground lot for condominium purposes and five airspace lots.

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

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

25. Prior to the issuance of the building permit or the recordation of the final map, a copy of CPC-2014-4705-ZC-HD-MCUP-CU-SPR shall be submitted to the satisfaction of the Advisory Agency. In the event CPC-2014-4705-ZC-HD-MCUP-CU-SPR is not approved, the subdivider shall submit a tract modification.

26. Haul Route Conditions

    a. **Option 1**
        i. Loaded haul vehicles traveling from the project site shall travel via the following haul route.

            1. Exit jobsite onto Argyle Ave (Northbound); Merge onto N/B Hollywood Fwy (US-101); Exit towards Lankershim Blvd (Northbound); Right onto Cahuenga Blvd (Northbound); Merge to E/B Ventura Fwy (CA-134); Exit towards Figueroa St (Northbound); Continue straight onto Scholl Canyon Rd disposal site: Scholl Canyon Landfills.

        ii. Empty haul vehicles traveling to the project site facility shall travel via the

following haul route:

1. Exit disposal site onto Scholl Canyon Rd; Continue straight onto Figueroa St (Southbound); Merge onto W/B Ventura Fwy (CA-134); Exit onto Cahuenga Blvd (Southbound); Merge left onto Lankershim Blvd (Southbound); Right onto Ventura Blvd (Westbound); Merge onto S/B Hollywood Fwy (US-101); Exit towards Gower St (Southbound); Right onto Gower St (Southbound); Right onto Hollywood Blvd (Westbound); Right onto Argyle Ave (Northbound) towards job site: 6220 Yucca St.

b. **Option 2**
   i. Loaded haul vehicles traveling from the project site shall travel via the following haul route.

      1. Exit jobsite onto Yucca St (Eastbound); Left onto Gower St (Northbound); Left onto Franklin Ave (Westbound); Merge onto N/B Hollywood Fwy (US-101); Exit towards Lankershim Blvd (Northbound); Right onto Cahuenga Blvd (Northbound); Merge to E/B Ventura Fwy (CA-134); Exit towards Figueroa St (Northbound); Continue straight onto Scholl Canyon Rd disposal site: Scholl Canyon Landfills.

   ii. Empty haul vehicles traveling to the project site facility shall travel via the following haul route:

      1. Exit disposal site onto Scholl Canyon Rd; Continue straight onto Figueroa St (Southbound); Merge onto W/B Ventura Fwy (CA-134); Exit onto Cahuenga Blvd (Southbound); Merge left onto Lankershim Blvd (Southbound); Right onto Ventura Blvd (Westbound); Merge onto S/B Hollywood Fwy (US-101); Exit towards Gower St (Southbound); Right onto Gower St (Southbound); Right onto Hollywood Blvd (Westbound); Right onto Argyle Ave (Northbound); Right onto Yucca St (Eastbound) towards job site: 6220 Yucca St.

c. Hauling hours of operation are restricted to the hours between 9AM to 3PM weekdays, and 8AM to 4PM on Saturdays.

d. No hauling activity shall occur on Sunday and holidays.

e. No staging on Argyle Ave or Yucca St. All trucks shall be staged on jobsite.

f. Total net export of material is approximately 23,833 cubic yards.

g. 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 Argyle Ave or Yucca St adjacent to jobsite if needed for hauling.

h. The vehicles used for hauling shall be Bottom Dump trucks.

i. All trucks are to be cleaned of loose earth at the export site to prevent spilling. The contractor shall remove any material spilled onto the public street.

j. All trucks are to be watered at the export site to prevent excessive blowing of dirt.

k. The applicant shall comply with the State of California, Department of Transportation policy regarding movement of reducible loads.

l. “Truck Crossing" warning signs shall be placed 300 feet in advance of the exit in each direction.

m. Flagger control should be provided during the hauling operations to assist with ingress/egress of truck traffic and pedestrian traffic on Argyle Ave or Yucca St. Flagger control should also be provided at Yucca St and Gower St intersection if needed. Should the sidewalk need to be closed during hauling, a permit and approval from the Department of Public Works, Bureau of Street Services is required, and the proper sidewalk detour shall be implemented per CA MUTCD TA-28 or page 48 of the WATCH Manual. If you have any questions, please call Jedah Mosqueda at (323) 957-6823.

n. A surety or cash bond shall be posted in an amount satisfactory to the City Engineer for maintenance of haul route streets. The forms for the bond will be issued by the Central District Engineering Office, 100 S. Main Street 9th Floor, Los Angeles, CA, 90012. Further information regarding the bond may be obtained by calling 213-972-4990.

o. The permittee shall comply with all regulations set forth by the State of California, Department of Motor Vehicles pertaining to the hauling of earth.

p. 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.

q. 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 at (213) 847-6000 prior to effecting any change.

r. The permittee shall notify the Street Services Investigation and Enforcement Division at (213) 847-6000 at least 72 hours prior to the beginning of hauling operations and shall notify the Division immediately upon completion of hauling operations.

s. The application shall expire eighteen months after the date of the Board of Building and Safety Commission and/ or the Department of City Planning approval. The permit fee shall be paid to the Street Services Investigation and Enforcement Division prior to the commencement of hauling operations.

27. 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[1], all such activities shall temporarily cease on the project site until the potential tribal cultural resources are properly assessed and addressed pursuant to the process set forth below:

- Upon a discovery of a potential tribal cultural resource, the project Permittee shall immediately stop all ground disturbance activities and contact the following: (1) all California Native American tribes that have informed the City they are traditionally and culturally affiliated with the geographic area of the proposed project; (2) and the Department of City Planning.
- If the City determines, pursuant to Public Resources Code Section 21074 (a)(2), that the object or artifact appears to be tribal cultural resource, the City shall provide any effected tribe a reasonable period of time, not less than 14 days, to conduct a site visit and make recommendations to the Project Permittee and the City regarding the monitoring of future ground disturbance activities, as well as the treatment and disposition of any discovered tribal cultural resources.
- The project Permittee shall implement the tribe's recommendations if a qualified archaeologist, retained by the City and paid for by the project Permittee, reasonably concludes that the tribe's recommendations are reasonable and feasible.
- The project Permittee shall submit a tribal cultural resource monitoring plan to the City that includes all recommendations from the City and any effected tribes that have been reviewed and determined by the qualified archaeologist to be reasonable and feasible. The project Permittee shall not be allowed to recommence ground disturbance activities until this plan is approved by the City.
- If the project Permittee does not accept a particular recommendation determined to be reasonable and feasible by the qualified archaeologist, the project Permittee may request mediation by a mediator agreed to by the Permittee and the City who has the requisite professional qualifications and experience to mediate such a dispute. The project Permittee shall pay any costs associated with the mediation.
- 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.

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

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

Applicant shall do all of the following:

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

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

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

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

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

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

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

For purposes of this condition, the following definitions apply:

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

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

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

DEPARTMENT OF CITY PLANNING-ENVIRONMENTAL MITIGATION MEASURES.

29. **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.

30. **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.

31. **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.

DEPARTMENT OF CITY PLANNING - STANDARD CONDOMINIUM CONDITIONS

C-1. That approval of this tract constitutes approval of model home uses, including a sales office and off-street parking. Where the existing zoning is (T) or (Q) for multiple residential use, no construction or use shall be permitted until the final map has recorded or the proper zone has been effectuated. If models are constructed under this tract approval, the following conditions shall apply:

1. Prior to recordation of the final map, the subdivider shall submit a plot plan for approval by the Department of City Planning showing the location of the model dwellings, sales office and off-street parking. The sales office must be within one of the model buildings.

2. All other conditions applying to Model Dwellings under Section 12.22 A.10 and 11 and Section 17.05-O of the LAMC shall be fully complied with satisfactory to the Department of Building and Safety.

C-2. Prior to the recordation of the final map, the subdivider shall pay or guarantee the payment of a park and recreation fee based on the latest fee rate schedule applicable. The amount of said fee to be established by the Advisory Agency in accordance with LAMC Section 17.12 and is to be paid and deposited in the trust accounts of the Park and Recreation Fund.

C-3. Prior to obtaining any grading or building permits before the recordation of the final map, a landscape plan, prepared by a licensed landscape architect, shall be submitted to and approved by the Advisory Agency in accordance with CP-6730.

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

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

OR

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

BUREAU OF ENGINEERING - STANDARD CONDITIONS

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

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

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

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

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

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

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

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

(i) That 1-foot future streets and/or alleys be shown along the outside of incomplete public dedications and across the termini of all dedications abutting unsubdivided property. The 1-foot dedications on the map shall include a restriction against their use of access purposes until such time as they are accepted for public use.

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

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

(l) That any necessary additional street dedications be provided to comply with the

Americans with Disabilities Act (ADA) of 1990.

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

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

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

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

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

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

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

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

(b) Construct any necessary drainage facilities.

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

Construct new street light: one (1) on Argyle Avenue. If street widening per BOE improvement conditions, relocate and upgrade street light; one (1) on Yucca St.

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 Argyle Avenue adjoining the subdivision by the construction of a new 12-foot full-width concrete sidewalk with tree wells including any necessary removal and reconstruction of existing improvements.

b. Improve Yucca Street adjoining the subdivision by the construction of a new 12-foot full-width concrete sidewalk including the new public sidewalk easement area with tree wells including any necessary removal and reconstruction of existing improvements. A full-width meandering concrete sidewalk shall also be provided at the drop-off area all satisfactory to the City Engineer.

NOTES:

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

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

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

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

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

FINDINGS OF FACT (CEQA)

I. INTRODUCTION

This Environmental Impact Report (EIR), consisting of the Draft EIR and the Final EIR, is intended to serve as an informational document for public agency decision-makers and the general public regarding the objectives and environmental impacts of the 6220 West Yucca Street Project (Project), located at 1756, 1760 North Argyle Avenue; 6210-6224 West Yucca Street; and 1765, 1771, 1777, and 1779 North Vista Del Mar Avenue, Los Angeles, CA 90028 (Site or Project Site). The Project involves the construction and operation of 210 multi-family residential units (all of which would be governed by the City of Los Angeles' Rent Stabilization Ordinance), 136 hotel rooms and approximately 12,570 square feet of commercial/restaurant uses in two new buildings on the Project Site. All but 13 of the Project's residential units are located in the Project's Building 1, which is a 20-story tower located across the west and center parcels of the Project Site.

The EIR analyzed the project originally proposed by the applicant (referred to as "Original Project"), as well as multiple alternatives, including Alternative 2, *Primarily Residential Mixed-Use Alternative*. In response to comments from the public made on the Draft EIR, and pursuant to guidance offered by the City of Los Angeles (the "City"). The EIR also analyzed Modified Alternative 2. Modified Alternative 2 is similar to Alternative 2 in the Draft EIR, which proposed 271 residential units with 5,120 square feet of commercial within two structures. It eliminates the hotel component of the Project. Building heights would range from three- to 20 stories with a maximum FAR of 6.6:1. Modified Alternative 2 involves the construction and operation of a single 30-story residential tower with 269 residential units (17 of which would be set aside for Very Low Income households, and the remainder of which would be governed by the City's Rent Stabilization Ordinance), approximately 7,760 square feet of ground floor retail and restaurant space, and, per the guidance of the Department of City Planning, the preservation of the two existing houses on N. Vista Del Mar Avenue that would have been demolished under both the Project and Alternative 2.

For purposes of these Findings, the term "Project" is used for statements that are equally attributable to the Original Project, Alternative 2, and Modified Alternative 2. Where a statement applies specifically only to the Original Project, Alternative 2, or Modified Alternative 2, the more specific terminology is used.

The City, as Lead Agency, has evaluated the environmental impacts of the implementation of the Project and of the Modified Alternative 2 by preparing an environmental impact report (EIR) (Case Number ENV-2014-4706-EIR/State Clearinghouse No. 2015111073). 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:

> 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.
>
> 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.
>
> 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 EIR for the Modified Alternative 2 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 fully account for all 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].)

II. ENVIRONMENTAL REVIEW PROCESS AND RECORD OF PROCEEDINGS

For purposes of CEQA and these Findings, the Record of Proceedings for the Project and the Modified Alternative 2 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 CEQA (Pub. Resources Code § 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 33 day period commencing on November 25, 2015 and ending on December 28, 2015. The NOP also provided notice of a Public Scoping Meeting held on December 9, 2015. 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.

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 (Alternative 1), a "Primarily Residential Mixed-Use Alternative" (Alternative 2), a "No Commercial Zone Change, No High Density Residential, No Density Bonus Alternative" (Alternative 3, and a "Primarily Office Mixed-Use Alternative" (Alternative 4). The Draft EIR for the Project (State Clearing House No. 2015111073) 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 47-day public comment period beginning on April 23, 2020, and ending on June 8, 2020. A Notice of Completion and Availability (NOC/NOA) was distributed on April 23, 2020 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 could be accessed and reviewed by members of the public by appointment with the Planning Department. Additionally, due to the circumstances created by the COVID-19 pandemic, copies of the Draft EIR were made available to the public on CD-ROM or in hard copy upon request to the Department of City Planning at the contact information listed on the NOC/NOA. A copy of the document was also posted online at https://planning.lacity.org. Notices were filed with the County Clerk on April 22, 2020, but due to delays caused by the COVID-19 pandemic, were not physically posted until May 26, 2020. However, the posting of notices in this instance was excused as a result of the COVID-19 pandemic pursuant to the Governor's Executive Order No. N-54-40.

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 April 23, 2020, and notice was provided in newspapers of general and/or regional circulation.

Final EIR. The City released a Final EIR for the Project on August 7, 2020, which is hereby incorporated by reference in full. The Final EIR constitutes the second part of the EIR 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 II, Responses to Comments, of the Final EIR. In Chapter 3, *Revisions, Clarifications and Corrections*, of the Final EIR, the City made revisions, clarifications and corrections to the Draft EIR regarding the Project and in addition, analyzed the environmental effects of the Modified Alternative 2, focusing particularly on the differences in its environmental impacts as compared to those of the Project and Alternative 2 analyzed in the Draft EIR. On August 7, 2020, 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 the availability of the Final EIR were also sent to property owners and occupants within a 500-foot radius of the Project Site, as well as anyone 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/Hearing Officer on behalf of the City Planning Commission on August 19, 2020. Notices were mailed and posted to the Department's website on July 24, 2020.

For purposes of CEQA and these Findings, the Record of Proceedings for the Project and the Modified Alternative 2 includes (but is not limited to) the following documents and other materials that constitute the administrative record upon which the City determined to approve the Modified Alternative 2. 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;
- All Modified Alternative 2 plans and application materials including supportive technical reports;
- The Draft EIR and Appendices, the Final EIR and Appendices, and all documents cited, relied upon or incorporated therein by reference;
- The Mitigation Monitoring Program (MMP) prepared for the Project or Modified Alternative 2;
- 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);
- The Los Angeles Municipal Code, including but not limited to the Zoning Ordinance and Subdivision Ordinance;
- All records of decision, resolutions, staff reports, memoranda, maps, exhibits, letters, minutes of meetings, summaries, and other documents approved, reviewed, relied upon, or prepared by any City commissions, boards, officials, consultants, or staff relating to the Project and/or Modified Alternative 2;
- 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 and these CEQA Findings 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 and click on the Project title, where the Draft and Final EIR are made available. As indicated above, due to government facility closures as a result of the COVID-19 crisis, the Draft and Final EIR documents could not be made available at a public library. However, consistent with state emergency orders, the public was notified of an ability to call or email the City and schedule an appointment to review the documents at the City of Los Angeles, Department of City Planning, 221 North Figueroa Street, Suite 1350, Los Angeles, CA 90012, during office hours Monday - Friday, 9:00 a.m. - 4:00 p.m.

III. DESCRIPTION OF MODIFIED ALTERNATIVE 2

Modified Alternative 2 analyzed in the EIR is a modified version of Project Alternative 2, the Primarily Residential Alternative, as described and analyzed in Chapter V, Alternatives, of the Draft EIR. Modified Alternative 2 is a 316,948 square-foot, infill mixed-use residential and commercial development, with a Floor Area Ratio (FAR) of 6.6:1. It provides 7,760 square feet of commercial space and, utilizing the City's Density Bonus Ordinance, 269 new multi-family residential units (17 of which would be set aside for Very Low Income households, and 252 of which would be governed by the City's Rent Stabilization Ordinance), along with required vehicle parking on Level 1 and a parking podium in a new 30-story building. Unlike the Project and Alternative 2, Modified Alternative 2 retains the existing on-site residential structures along N. Vista Del Mar (the duplex and studio apartment over the garage at 1765 N. Vista Del Mar and the single-family residence at 1771 Vista Del Mar, and includes returning 1765 Vista Del Mar to a single-family residence; thus, 1765 and 1771 N. Vista Del Mar bring Modified Alternative 2's residential unit total to 271). Thus, the Modified Alternative 2 eliminates the Project's and Alternative 2's Building 2. In addition, Modified Alternative 2 includes conversion of the asphalt surface parking lot at the southwest corner of Yucca Street and Vista Del Mar into a small pocket park/ landscaped open space. Similar to the Project and Alternative 2, the Modified Alternative 2 demolishes the remaining 40 apartment units in the central and western portions of the Project Site. Under the Modified Alternative 2, in place of the 20-story Building 1 proposed under the Project and Alternative 2, a new 30-story building with a maximum proposed height of 345 feet to the top of the parapet will be constructed. A description of Modified Alternative 2's components and architectural design is provided in Chapters I, *Introduction*, and in Chapter 3, *Revisions, Clarifications and Corrections,* of the Final EIR.

Environmental Leadership Development Project Certification

On July 26, 2017, the Governor certified the Project as an eligible Environmental Leadership Development Project (ELDP) under AB 900, and, on July 27, 2017, the Governor's OPR forwarded the Governor's determination to the Joint Legislative Budget Committee. According to CEQA Section 21184(b)(2)(C), if "the Joint Legislative Budget Committee fails to concur or non-concur on a determination by the Governor within 30 days of the submittal, the leadership Project is deemed to be certified." On August 18, 2017 the Joint Legislative Budget Committee concurred with the Governor's determination.

IV. ENVIRONMENTAL IMPACTS FOUND NOT TO BE SIGNIFICANT WITHOUT MITIGATION OR LESS THAN SIGNIFICANT IN THE DRAFT EIR

Impacts of Modified Alternative 2 that were determined to have no impact or to be a less than significant impact in the EIR (including having a less than significant impact as a result of the incorporation of PDFs and compliance with regulatory compliance measures, where applicable) and that require no mitigation are also identified below.

The City has reviewed the record and agrees with the conclusion that the following environmental issues would not be significantly affected by Modified Alternative 2 and, therefore, no additional findings are needed. The following information does not repeat the full discussion of environmental impacts contained in the EIR or the Initial Study (Appendix A-2 to the Draft EIR). The City ratifies, adopts, and incorporates the analyses, explanations, findings, responses to comments, and conclusions of the EIR and of the Initial Study.

Aesthetics:

Under Senate Bill (SB 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. However, as defined by PRC Section 21099, aesthetic impacts do not include impacts to historic or cultural resources. Modified Alternative 2 meets these criteria. Therefore, pursuant to SB 743 and PRC Section 21099(d)(1), implementation of Modified Alternative 2 would not have a substantial impact on a scenic vista, would not degrade the existing visual character or quality of the site and its surroundings, would not substantially damage scenic resources within a State scenic highway, would not create a new source of substantial light or glare, and Modified Alternative 2's project-level and cumulative impacts to aesthetics would be less than significant as discussed on pages 3-29 through 3-32 of Section 2(d), Modified Alternative 2 Environmental Impacts, in Chapter 3, *Revisions, Clarifications and Corrections*, of the Final EIR, which discussion is provided for informational purposes. The Modified Alternative 2's potential aesthetic impacts on historic resources are determined under CEQA to be less than significant for the reasons discussed on pages 3-34 through 3-38 of Section 2(d), Modified Alternative 2 Environmental Impacts, in Chapter 3, *Revisions, Clarifications and Corrections*, of the Final EIR.

Agriculture and Forestry Resources:

Similar to the Original Project and Alternative 2, implementation of the Modified Alternative 2 at an urban infill site located within an identified transit priority area will not convert farmland to non-agricultural uses; will not conflict with existing zoning for agricultural use or a Williamson Act contract; will not conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned Timberland Production; will not result in the loss of forest land or conversion of forest land to non-forest use; and will not involve other changes in the existing environment which could result in the conversion of farmland to non-agricultural uses. Therefore, Modified Alternative 2 will not create any project-level or cumulative impact to agriculture for forestry resources. Refer to pages IS-6 and IS-7 and B-3 and B-4 of the Project's Initial Study, Appendix A-2 of the Draft EIR, and to Chapter VI of the Draft EIR.

Air Quality:

For the reasons stated on page 3-32 of Chapter 3, *Revisions, Clarifications and Corrections*, of

the Final EIR, and on pages IV.B-50 through IV.B-65 of Section IV.B, *Air Quality*, of the Draft EIR, implementation of Modified Alternative 2 neither conflicts with nor obstructs implementation of SCAQMD's 2016 AQMP or implementation of the City's General Plan Air Quality Element, and Modified Alternative 2's impacts are less than significant with regards to a conflict with or obstruction of an applicable air quality plan.

As stated on pages 3-32 through 3-34 of Chapter 3, *Revisions, Clarifications and Corrections*, of the Final EIR, Modified Alternative 2's operations will not violate any air quality standards or contribute substantially to an existing or projected air quality violation, nor will Modified Alternative 2's operations result in a cumulatively considerable net increase of any criteria pollutants for which Modified Alternative 2's region is in non-attainment. Project-level and cumulative impacts with regard to violation of air quality standards from project operation are less than significant.

As stated in the Project's Initial Study, pages IS-7 and B-6 of Appendix A-2 of the Draft EIR, and for the reasons stated on pages IV.B-77 and IV.B-78 of Section IV.B, *Air Quality*, and in Chapter VI of the Draft EIR, similar to the Original Project, implementation of Modified Alternative 2 will not result in the creation of objectionable odors affecting a substantial number of people. Therefore, impacts related to odors are less than significant.

Biological Resources:

As stated in the Project Initial Study, pages B-6 through B-9 of Appendix A of the Draft EIR, similar to the Original Project, Modified Alternative 2 does not have a substantial adverse effect, either directly or through habitat modification, on any species identified as a 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 Game or U.S. Fish and Wildlife Service; does not have a substantial adverse effect on federally protected wetlands as through direct removal, filling, hydrological interruption, or other means; does not conflict with the policies protecting biological resources; and does not conflict with the provisions of any conservation plan. Therefore, Modified Alternative 2's project-level and cumulative impacts related to biological resources are less than significant. Regarding Modified Alternative 2's potential impacts regarding the City's Street Tree Ordinance, see Section V below.

Cultural Resources:

As set forth on pages IV.C-1 through IV.C-25, IV.C-32 through IV.C-37, and IV.C-40 through IV.C-43 in Section IV.C, *Cultural Resources*, of the Draft EIR, similar to the Original Project, Modified Alternative 2's removal of the Yucca Argyle Apartment complex located at 6210-6218 and 6220-6224 Yucca Street and 1756-1760 North Argyle Avenue does not have a significant impact on a historical resource located within the Project Site because none of these buildings meets the criteria for federal, State, or local eligibility either as an individual historical resource or as a contributor to the Vista del Mar/Carlos Historic District.

Modified Alternative 2 eliminates the Project's Building 2, does not demolish the existing residences located at 1765 and 1771 N. Vista Del Mar, and returns the residence located at 1765 N. Vista Del Mar, which had previously been converted into a duplex with an apartment over the garage, to a single-family residence without changing the exterior of the structure. Modified Alternative 2 also converts the existing paved surface parking lot within the Project Site at the corner of Yucca Street and Vista Del Mar Avenue into a publicly accessible landscaped open space/park to be compatible with the characteristics of the Historic District and to provide a buffer between the district and the surrounding built environment to the north and west. The construction

of the proposed park under Modified Alternative 2 does not physically impact any identified historical resources, is compatible with the district's character, visually and physically enhances the district, and protects the integrity of the district. Therefore, the proposed park has no adverse impact on, but conversely, enhances the Vista del Mar/Carlos Historic District.

Although the residences at 1765 and 1771 N. Vista Del Mar and the park (former parking lot) are not contributors to the Vista del Mar/Carlos Historic District, Modified Alternative 2's retention of the two residences without any alteration to their exterior appearance and creation of a park at the site of the former surface parking lot aligns with Standards 9 and 10 of the Secretary of Interior Standards for Rehabilitation, for the reasons discussed in the Historical Resources Memorandum (Appendix C-2 to the Final EIR). Therefore, as analyzed in the Historical Resources Memorandum, Modified Alternative 2 has a less than significant effect on the Vista del Mar/Carlos Historic District.

Modified Alternative 2 does not have a significant impact on the seven historical resources located in the Project Site vicinity, including the Vista del Mar/Carlos Historic District, the site of the former Little Country Church of Hollywood, Capitol Records Building, Pantages Theatre, Hollywood Equitable Building, Hollywood Commercial and Entertainment District and the Hollywood Walk of Fame, because the changes to the setting caused by Modified Alternative 2 have no effect on the listing eligibility of these resources, and Modified Alternative 2 does not alter the setting of these resources in a way that materially impairs their historical significance or integrity.

Modified Alternative 2, together with related projects, does not significantly affect historical resources in the immediate vicinity cumulatively, or involve or adversely affect historical resources that are examples of the same style or property type as those within the Project Site, or cumulatively alter primary views of an historical resource, and Modified Alternative 2 does not make a cumulatively considerable contribution to a significant impact on historical resources.

Modified Alternative 2 results in less than significant impacts regarding the disturbance of any known human remains, including those interred outside of dedicated cemeteries, and less than significant cumulative impacts to archaeological resources. Refer to pages IV.C-1 through IV.C-25, IV.C-32 through IV.C-43 in Section IV.C, *Cultural Resources*, of the Draft EIR, Appendix A of the Initial Study (Appendix A-2 to the Draft EIR), pages 3-4 and 3-5 of Chapter 3, *Revisions, Clarifications and Corrections to Draft EIR Sections* and Appendices, and pages 3-34 through 3-38 of Section 3(d), Modified Alternative 2 Environmental Impacts, of Chapter 3, *Revisions, Clarifications and Corrections*, and Appendix C-1 of the Final EIR.

Energy:

As stated on page 3-39 of Chapter 3, *Revisions, Clarifications and Corrections*, of the Final EIR, Modified Alternative 2 does not cause wasteful, inefficient, and unnecessary consumption of energy during construction or operation, or result in a significant increase in demand for electricity, natural gas, or transportation energy. Therefore, Modified Alternative 2's project-level and cumulative impacts related to energy are less than significant.

Geology:

As set forth in Section IV.E, *Geology and Soils*, of the Draft EIR, on pages IV.E-26 through IV.E-36, and Chapter 3, *Revisions Clarifications and Corrections*, pages 3-39 through 3-40 of the Final EIR, Modified Alternative 2 does not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving the rupture of a known earthquake

fault, or strong seismic ground shaking, seismic-related ground failure, including liquefaction or landslides. Modified Alternative 2 does not result in substantial soil erosion or the loss of topsoil. The Project Site is not located on a geological unit or soil that is unstable, or that would become unstable as a result of Modified Alternative 2, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse, and the Project Site is not located on expansive soil as defined in Table 18-1-B of the Uniform Building Code. Modified Alternative 2 does not involve the use of septic tanks or alternative wastewater disposal systems. Therefore, Modified Alternative 2's project-level and cumulative impacts related to geology and soils are less than significant. For findings related to paleontological resources, see Section V of these Findings.

Greenhouse Gas Emissions:

As stated on pages 3-42 of Chapter 3, *Revisions, Clarifications and Corrections*, in Appendix C-1 of the Final EIR, and pages IV.F-30 through IV.F-88 of Section IV.F, *Greenhouse Gas Emissions*, of the Draft EIR, similar to the Original Project, Modified Alternative 2 results in less than significant greenhouse gas emission impacts, or does not conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases. Modified Alternative 2's design and location, and its incorporation of PDF AQ-1, Green Building Measures, and PDF-GHG-2 and PDF-GHG 3, render Modified Alternative 2 consistent with applicable strategies outlined in CARB's Climate Change Scoping Plan, SCAG's RTP/SCS, L.A.'s Green New Deal (Sustainable City pLAn 2019), and the City's Green Building Ordinance. Therefore, Modified Alternative 2's project-level and cumulative impacts related to greenhouse gas emissions are less than significant.

Hydrology and Water Quality:

As stated on pages 3-42 and 3-43 of Chapter 3, *Revisions, Clarifications and Corrections*, of the Final EIR, and pages IV.G-22 through IV.G-38 of Section IV.G, *Hydrology and Water Quality*, of the Draft EIR, Modified Alternative 2 complies with the same regulatory compliance measures as the Project and does not violate any water quality standards or waste discharge requirements; substantially deplete groundwater supply; substantially alter the existing drainage patterns; affect stormwater drainage capacity; impede or redirect flood flows; result in potential inundation by seiche, tsunami or flood; or conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management. Therefore, Modified Alternative 2's project-level and cumulative impacts to hydrology and water quality are less that significant.

Land Use and Planning:

As stated on pages 3-43 and 3-44 of Chapter 3, *Revisions, Clarifications and Corrections*, of the Final EIR, and pages IV.H-20 through IV.H-56 of Section IV.H, *Land Use and Planning*, of the Draft EIR, Modified Alternative 2 does not physically divide an established community, or cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. Of Modified Alternative 2's 271 units, 252 are new RSO units, 17 are new covenanted affordable units, and two are the existing single family residences on Vista Del Mar Avenue. Therefore, Modified Alternative 2 is consistent with all applicable land use plans, and its project-level and cumulative impacts to land use and planning are less than significant.

Noise:

Similar to the Original Project, Modified Alternative 2 utilizes the same potential haul routes as

those identified in Section IV.I, *Noise*, of the Draft EIR, on pages IV.I-31 through IV.I-35, for the Project, and therefore off-site construction noise impacts are less than significant. For the reasons discussed at pages IV.I-31 through IV.I-57, in Section IV.I, *Noise*, of the Draft EIR and pages 3-44 through 3-53 of Chapter 3, *Revisions, Clarifications and Corrections*, of the Final EIR, Modified Alternative 2's on-site stationary source impacts (other than emergency generator and composite noise impacts), off-site Project-related traffic noise impacts, operational groundborne vibration impacts and cumulative noise and vibration impacts are less than significant. As discussed in Chapter VI of the Draft EIR and in the Initial Study (at pages B-28 and B-29 of Appendix A-2 of the Draft EIR), Modified Alternative 2 does not expose people residing or working in the Project Site area to excessive noise levels for a project within the vicinity of a public use airport or private airstrip, and Modified Alternative 2 creates no impact regarding exposure to excessive noise related to an airport. For findings related to groundborne vibration during construction, operational noise from the emergency generator, and composite noise, see Section V of these Findings.

Population and Housing:

As stated on pages 3-53 through 3-54 of Chapter 3, *Revisions, Clarifications and Corrections*, of the Final EIR, and pages IV.J-14 through IV.J-25 of Section IV.J, *Population and Housing*, of the Draft EIR, Modified Alternative 2 does not induce substantial direct or indirect population growth and its contribution to population growth is consistent with SCAG population projections for the City of Los Angeles for the period of 2016-2040. Additionally, Modified Alternative 2 does not displace substantial numbers of existing people such that the unplanned construction of replacement housing elsewhere is required, and impacts from the demolition of housing are less than significant. While Modified Alternative 2 temporarily displaces current tenants occupying the existing apartment buildings on the Project Site, it provides 269 new multi-family residential units, resulting in approximately 552 new residents, while also retaining the two existing residences at 1765 and 1771 N. Vista Del Mar and returning the residence at 1765 N. Vista Del Mar to a single family residence. Therefore, Modified Alternative 2's project-level and cumulative impacts related to population, housing and employment are less than significant.

Public Services—Fire Protection and Emergency Medical Services:

As stated on pages 3-54 through 3-55 of Chapter 3, *Revisions, Clarifications and Corrections*, of the Final EIR, and pages IV.K.1-17 through IV.K.1-32 of Section IV.K.1, *Public Services—Fire Protection*, of the Draft EIR, Modified Alternative 2 does not result in the need for new or physically altered fire facilities, the construction of which would cause significant environmental impacts, in order to maintain acceptable service ratios, response times or objectives during construction or operation. Therefore, Modified Alternative 2's project-level and cumulative impacts related to fire protection and emergency medical services are less than significant.

Public Services—Police Services:

As stated on pages 3-55 and 3-56 of Chapter 3, *Revisions, Clarifications and Corrections*, of the Final EIR, and pages IV.K.2-11 through IV.K.2-20 of Section IV.K.2, *Public Services—Police Protection*, of the Draft EIR, Modified Alternative 2 does not result in the need for new or physically altered police facilities, the construction of which would cause significant environmental impacts, in order to maintain acceptable service ratios, response times or objectives during construction or operation. Therefore, Modified Alternative 2's project-level and cumulative impacts related to police protection services are less than significant.

Public Services—Schools:

As stated on page 3-56 of Chapter 3, *Revisions, Clarifications and Corrections*, of the Final EIR, and pages IV.K.3-10 through IV.K.3-23 of Section IV.K.3, *Public Services—Schools*, of the Draft EIR, Modified Alternative 2 does not result in substantial adverse physical impacts associated with the provision of or need for new or physically altered government facilities, the construction of which could cause significant environmental impacts. Additionally, Modified Alternative 2 pays fees pursuant to Section 65995 of the California Government Code addressing construction of school facilities; payment of such fees is deemed to be full mitigation of a project's development impacts. Therefore, Modified Alternative 2's project-level and cumulative impacts related to schools are less than significant.

Public Services—Parks and Recreation:

As stated at pages 3-56 through 3-57 of Chapter 3, *Revisions, Clarifications and Corrections*, of the Final EIR, and pages IV.K.4-13 through IV.K.4-23 of Section IV.K.4, *Public Services—Parks and Recreation*, of the Draft EIR, Modified Alternative 2 does not cause or accelerate substantial physical deterioration of off-site public parks or recreational facilities and does not result in the need for new or physically altered park or recreational facilities, the construction of which would cause significant adverse physical environmental impacts, in order to maintain acceptable service ratios or objectives. Therefore, Modified Alternative 2's project-level and cumulative impacts related to parks and recreation are less than significant.

Public Services—Libraries:

Modified Alternative 2 does not result in substantial adverse physical impacts associated with the provision of or need for new or physically altered library facilities, the construction of which would cause significant environmental impacts, in order to maintain acceptable service ratios or other performance objectives for libraries. Additionally, Modified Alternative 2 and related projects generate revenue to the City's General Fund that could be used to fund Los Angeles Public Library expenditures to offset any cumulative impact. Therefore, Modified Alternative 2's project-level and cumulative impacts related to libraries are less than significant. Refer to pages IV.K.5-9 through IV.K.5-19 of Section IV.K.5, *Public Services—Libraries*, of the Draft EIR, and page 3-57 of Chapter 3, *Revisions, Clarifications and Corrections*, of the Final EIR.

Tribal Cultural Resources:

Modified Alternative 2's adherence to the City's standard Conditions of Approval ensures that implementation of Modified Alternative 2 does not cause a substantial change in the significance of a tribal cultural resource, as defined in Public Resources Code section 21047. Therefore, Modified Alternative 2's project-level and cumulative impacts related to tribal cultural resources are less than significant. Refer to pages IV.M-8 through IV.M-10 of Section IV.M, *Tribal Cultural Resources*, of the Draft EIR and to page 3-61 of Chapter 3, *Revisions, Clarifications and Corrections*, of the Final EIR.

Transportation:

For the reasons stated in the Traffic Study (Appendix L-2 to the Draft EIR) for the Project, with Modified Alternative 2's incorporation of PDF-TRAF-1, the Construction Traffic Management Plan, and PDF-TRAF-2, the Pedestrian Safety Plan, Modified Alternative 2's transportation, safety and access impacts during construction are less than significant. In addition, as demonstrative by the

analyses at pages 3-57 through 3-61 of Chapter 3, *Revisions, Clarifications and Corrections*, of the Final EIR, in Appendix C-4 to the Final EIR, and in Appendix L-3 to the Draft EIR, Modified Alternative 2 also has less than significant impacts with respect to conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities; Modified Alternative 2 does not substantially increase hazards due to a geometric design feature or incompatible uses; Modified Alternative 2 does not result in inadequate emergency access, either during construction or operation. For findings related to operational traffic and cumulative impacts, see Section V of these Findings.

Utilities and Service Systems—Water, Watershed, and Solid Waste:

Refer to pages IV.N.1-51 through IV.N.1-78 of Section IV.N.1, *Utilities and Service Systems—Water, Watershed, and Solid Waste*, of the Draft EIR and to pages 3-61 through 3-65 of Section 2(d), Modified Alternative 2 Environmental Impacts, in Chapter 3, *Revisions, Clarifications and Corrections*, of the Final EIR. Modified Alternative 2 does not require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction of which would cause significant environmental effects; does not result in insufficient water supplies available to serve Modified Alternative 2 and reasonably foreseeable future development during normal, dry and multiple dry years; does not result in a determination by the wastewater treatment provider that serves or may serve Modified Alternative 2 that it has inadequate capacity to serve Modified Alternative 2's projected demand in addition to the provider's existing commitments; does not generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure or otherwise impair the attainment of solid waste reduction goals; and complies with federal, State, and local management and reduction statutes and regulations related to solid waste. Therefore, Modified Alternative 2's project-level and cumulative impacts related to water, watershed and solid waste are less than significant.

Utilities and Service Systems—Energy Infrastructure:

Refer to pages IV.N.2-7 through IV.N.2-12 of Section IV.N.2, *Utilities and Service Systems—Energy Infrastructure*, of the Draft EIR and pages 3-65 through 3-66 of Section 2(d), Modified Alternative 2 Environmental Impacts, in Chapter 3, *Revisions, Clarifications and Corrections*, of the Final EIR. Modified Alternative 2 does not result in an increase in demand for electricity or natural gas that exceeds available supply or distribution infrastructure capabilities that would result in the construction of new energy facilities or expansion of existing facilities, the construction or relocation of which would cause significant environmental impacts; and does not adversely affect the electrical infrastructure serving the surrounding uses or utility system capacity. Therefore, Modified Alternative 2's project-level and cumulative impacts related to energy infrastructure are less than significant.

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

The City determined, in the EIR, that Modified Alternative 2 has potentially significant environmental impacts in the areas discussed below, and 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, Modified Alternative 2 will not have any significant environmental impacts in these areas, as long as all identified feasible mitigation measures are incorporated into Modified Alternative 2. The City again ratifies, adopts and incorporates the full analysis, explanation, findings, responses to comments, and conclusions

of the EIR.

Air Quality

Impact Summary

Construction Emissions

Violation of Air Quality Standard/Emissions

R*egional Emissions – Cumulatively Considerable Net Increase of Any Criteria Pollutant For Which the Region is in Non-Attainment*

As demonstrated by the analyses on pages IV.B-66 through IV.B-69 of Section IV.B, *Air Quality*, of the Draft EIR, pages 3-32 through 3-33 of Chapter 3, *Revisions, Clarifications and Corrections*, of the Final EIR, and Appendix C-1 of the Final EIR, construction of Modified Alternative 2 can generate temporary criteria pollutant emissions through the use of heavy-duty construction equipment, such as excavators and forklifts, at the Project Site, through vehicle trips generated by workers and materials and haul trucks traveling to and from the Project Site, and through building activities at the Project Site, such as the application of paint and other surface coatings. In addition, fugitive dust emissions result from demolition and various soil-handling activities. Mobile source emissions, primarily NO_X, result from the use of construction equipment such as dozers and loaders, and from construction traffic. Construction emissions vary substantially from day to day, depending on the level of activity, the specific type of construction activity, and prevailing weather conditions.

Pages IV.B-66 through IV.B-69 of Section IV.B, *Air Quality*, of the Draft EIR, describes the Project's maximum daily emissions. The emissions calculations incorporate compliance with applicable dust control measures required to be implemented during each phase of construction by SCAQMD Rule 403 (Control of Fugitive Dust).

Table IV.B-6 of the Draft EIR reports the results of the criteria pollutant calculations for the Project, showing that the Project's construction NO_X emissions exceed the SCAQMD threshold of significance and result in a potentially significant impact, but that all other Project emissions are below the applicable SCAQMD's thresholds. As compared to the Project, Modified Alternative 2 includes fewer total parking spaces and therefore requires less excavation for its parking. Modified Alternative 2 also eliminates the Project's Building 2 and the excavation activities associated with it. Therefore, Modified Alternative 2 requires less excavation and therefore creates fewer impacts related to dust, haul truck, and equipment emissions than the Project. Even so, it is conservatively concluded that Modified Alternative 2's worst construction day NO_X emissions would be similar to that reported for the Project in Table IV.B-6 and are significant. Therefore, mitigation for Modified Alternative 2's construction NO_X emissions is required. As shown below, Modified Alternative 2's incorporation of Mitigation Measure MM-AQ-1 reduces this impact to a less than significant level.

Toxic Air Contaminant (TAC) Emissions

As set forth on pages IV.B-72 through IV.B-74 of Section IV.B, *Air Quality,* of the Draft EIR, pages 3-32 to 3-33,Chapter 3, *Revisions, Clarifications and* Corrections, of the Final EIR, and Appendix C-1 of the Final EIR, temporary TAC emissions associated with DPM emissions from heavy construction equipment will occur during the construction of Modified Alternative 2. However, construction is a temporary condition and short-term; construction is estimated to extend over

only 22 months, and of those 22 months, the construction phases requiring the most heavy-duty diesel vehicle usage (such as site grading/excavation) will last for a much shorter time (e.g., approximately five months). Therefore, construction of Modified Alternative 2 does not result in a long-term resident exposure, or lifetime exposure, to TAC emissions associated with DPM emissions, and, therefore, does not result in significant impacts resulting from construction TAC emissions. Modified Alternative 2's compliance with the applicable 2016 AQMP requirements for control strategies and with the CARB Air Toxics Control Measure will minimize TAC emissions during Modified Alternative 2 construction. In addition, there will be no residual emissions or corresponding individual cancer risk after construction is completed.

As discussed in subsection IV.B.3.(b)(5), *Methodology – Toxic Air Contaminant Impacts*, of the Draft EIR, while a quantified HRA is not required to be conducted, for informational purposes and in light of the fact that the Project is an ELDP, a quantitative construction HRA was prepared to evaluate the Project's potential to result in health risk impacts. The results of this AERMOD dispersion modeling are summarized in Table IV.B-10, *Estimated Maximum Construction Health Risk Impacts*, at page IV.B- 73 of the Draft EIR, which shows that the Project results in an unmitigated cancer risk of approximately 10.4 in one million., but a mitigated cancer risk of approximately 0.47 with implementation of Mitigation Measure MM-AQ-1, which is well below the 10 in one million threshold of significance for the maximum impacted air quality-sensitive receptors. The unmitigated non-cancer chronic hazard index is approximately 0.46, which is below the 1.0 threshold of significance for the maximum impacted air quality sensitive receptors. As discussed on pages 3-32 through 3-33 of Chapter 3, *Revisions, Clarifications and Corrections*, of the Final EIR, and in Appendix C-1 of the Final EIR, as compared to the Project, Modified Alternative 2 requires fewer parking spaces and thus requires the construction of a smaller and shallower structure for parking, and also eliminates the Project's Building 2 and associated excavation; these modifications reduce the usage of TAC-emitting construction equipment as compared to the Project. Even so, to be conservative, it is concluded that Modified Alternative 2 results in an unmitigated cancer risk of approximately 10.4 in one million, but a mitigated cancer risk of approximately 0.47 with implementation of Mitigation Measure MM-AQ-1, which is well below the 10 in one million threshold of significance for the maximum impacted air quality-sensitive receptors, and an unmitigated non-cancer chronic hazard index of approximately 0.46, which is below the 1.0 threshold of significance for the maximum impacted air quality sensitive receptors. Therefore, although the health risk modeling analysis is provided for informational purposes only, it demonstrates that with implementation of Mitigation Measure MM-AQ-1, Modified Alternative 2's TAC emissions from construction activities do not expose sensitive receptors to substantial TAC concentrations with implementation of Mitigation Measure MM-AQ-1.

The qualitative assessment, as well as the health risk modeling, provide substantial evidence that TAC emissions from construction activities do not expose sensitive receptors to substantial TAC concentrations. Thus, although the health risk modeling analysis is provided for informational purposes only, it demonstrates that construction activities under Modified Alternative 2 with incorporation of MM-AQ-1 do not expose sensitive receptors to substantial TAC concentrations.

Cumulative

Construction – Regional Criteria Pollutant Emissions

For the reasons discussed on pages IV.B-38 through IV.B-40 of Section IV.B, *Air Quality*, of the Draft EIR, the City has determined to rely on the SCAQMD thresholds using the SCAQMD's recommended methodology to determine the cumulative impacts of a development project (see

CEQA Guidelines Section 15064.7(c)). As shown in Table IV.B-6 on page IV.B-67 of Section IV.B, *Air Quality*, of the Draft EIR, like the Original Project, Modified Alternative 2's unmitigated construction daily emissions of NO_X exceed the SCAQMD threshold of significance and result in a potentially significant impact.

Construction – TAC Emissions

For the reasons discussed on pages IV.B-38 through IV.B-40 of Section IV.B, *Air Quality*, of the Draft EIR, the City has determined to rely on the SCAQMD thresholds using the SCAQMD's recommended methodology to determine the cumulative impacts of a development project (see CEQA Guidelines Section 15064.7(c)). For the reasons discussed on pages IV.B-72 and IV.B-73 of Section IV.B, *Air Quality*, of the Draft EIR, at pages 3-32 through 3-33 of Chapter 3, *Revisions, Clarifications and Corrections*, of the Final EIR, and Appendix C-1 of the Final EIR, the qualitative assessment of Modified Alternative 2's temporary TAC emissions associated with DPM emissions from the heavy construction equipment used most during Modified Alternative 2's construction, and most intensively during grading and excavation, concludes that Modified Alternative 2's short-term TAC emissions during construction are less than significant. Additionally, Modified Alternative 2 complies with regulatory and legal requirements that also reduce its TAC emissions during construction, and there will be no residual emissions or corresponding cancer risk after construction concludes.

According to the results of the construction phase health risk modeling conducted for the Project for informational purposes, as shown in Table IV.B-10, *Estimated Maximum Construction Health Risk Impacts*, on page IV.B-73 of Section IV.B, *Air Quality*, of the Draft EIR, and as discussed on pages 3-32 through 3-33 of Chapter 3, *Revisions, Clarifications and Corrections*, of the Final EIR, and Appendix C-1 of the Final EIR, like the Project, Modified Alternative 2 results in an unmitigated cancer risk of approximately 10.4 in one million, but a mitigated cancer risk of approximately 0.47 with implementation of Mitigation Measure MM-AQ-1, which is well below the 10 in one million threshold of significance for the maximum impacted air quality-sensitive receptors, and an unmitigated non-cancer chronic hazard index of approximately 0.46, which is below the 1.0 threshold of significance for the maximum impacted air quality sensitive receptors. Therefore, although the health risk modeling analysis is provided for informational purposes only, it demonstrates that with implementation of Mitigation Measure MM-AQ-1, Modified Alternative 2's TAC emissions from construction activities do not expose sensitive receptors to substantial TAC concentrations with implementation of Mitigation Measure MM-AQ-1.

Therefore, both the qualitative assessment and the health risk assessment conclude that TAC emissions from construction activities will not expose sensitive receptors to substantial TAC concentrations. Thus, although the health risk modeling analysis is provided for informational purposes only, it demonstrates that construction activities under Modified Alternative 2 with incorporation of MM-AQ-1 will not expose sensitive receptors to substantial TAC concentrations. As such, cumulative construction TAC emissions impacts are less than significant.

Project Design Features

The following PDFs are incorporated into Modified Alternative 2 to reduce or avoid their air quality impacts.

PDF-AQ-1: **Green Building Measures:** The Project will be designed and operated to exceed the applicable requirements of the State of California Green Building Standards Code and the City of Los

Angeles Green Building Code.

Green building measures will include, but are not limited to the following:

- The Project will be designed to optimize energy performance and reduce building energy cost by a minimum of 5 percent for new construction compared to the Title 24 Building Energy Efficiency Standards (2016).
- The Project will be designed to optimize energy performance and reduce building energy cost by installing energy efficient appliances that meet the USEPA ENERGY STAR rating standards or equivalent.
- The Project will provide a minimum of 30 kilowatts of photovoltaic panels on the Project Site, unless additional kilowatts of photovoltaic panels become feasible due to additional area being added to the Project Site.
- The Project will reduce outdoor potable water use by a minimum of 20 percent compared to baseline water consumption as required in LAMC Section 99.04.304. Reductions would be achieved through drought-tolerant/California native plant species selection, irrigation system efficiency, alternative water supplies (e.g., stormwater retention for use in landscaping), and/or smart irrigation systems (e.g., weather-based controls).
- The Project will reduce indoor potable water use by a minimum of 20 percent compared to baseline or standard water consumption as defined in LAMC Section 99.04.303 by installing water fixtures that exceed applicable standards.
- The Project would not include fireplaces in the residential buildings.

In addition, as discussed in Section IV.F, *Greenhouse Gas Emissions*, of the Draft EIR, and page 3-42, Chapter 3, *Revisions, Clarifications and Corrections*, of the Final EIR, the following PDFs are incorporated into Modified Alternative 2 to reduce or avoid their greenhouse gas (GHG) emissions and will also reduce or avoid their air quality impacts:

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

PDF GHG-2: At least 20 percent of the total code-required parking spaces provided for all types of parking facilities shall be capable of supporting future electric vehicle supply equipment (EVSE). Plans shall indicate the proposed type and location(s) of EVSE and also include raceway method(s), wiring schematics and electrical calculations to verify that the electrical system has sufficient

capacity to simultaneously charge all electric vehicles at all designated EV charging locations at their full rated amperage. Plan design shall be based upon Level 2 or greater EVSE at its maximum operating capacity. Only raceways and related components are required to be installed at the time of construction. When the application of the 20-percent requirement 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.

PDF GHG-3: At least 5 percent of the total code-required parking spaces shall be equipped with EV charging stations. Plans shall indicate the proposed type and location(s) of charging stations. Plan design shall be based on Level 2 or greater EVSE at its maximum operating capacity. When the application of the 5-percent requirement results in a fractional space, round up to the next whole number.

Mitigation Measures.

The following mitigation measure is identified for Modified Alternative 2 to reduce potentially significant project-level and cumulative air quality impacts to a less than significant level.

MM-AQ-1: Construction Measures: The Project shall utilize off-road diesel-powered construction equipment that meets the CARB and USEPA Tier 4 Final off-road emissions standards for equipment rated at 50 hp or greater during Project construction. To the extent possible, pole power shall be made available for use with electric tools, equipment, lighting, etc. These requirements shall be included in applicable bid documents and successful contractor(s) must demonstrate the ability to supply such equipment. A copy of each unit's certified tier specification or model year specification and CARB or SCAQMD operating permit (if applicable) shall be available upon request at the time of mobilization of each applicable unit of equipment.

Finding

Pursuant to Public Resources Code section 21081(a)(1), changes or alterations have been required in, or incorporated into, Modified Alternative 2 that avoid or substantially lessen the significant impacts as identified in the EIR.

Rationale for Finding

Construction Emissions

Violation of Air Quality Standard/Emissions

Regional Emissions – Cumulatively Considerable Net Increase of Any Criteria Pollutant For Which the Region is in Non-Attainment

As discussed on pages 3-32 through 3-33 of Chapter 3, *Revisions, Clarifications and Corrections*, of the Final EIR and in Appendix C-1 of the Final EIR, during Modified Alternative 2's construction phase, NO_X emissions can exceed the SCAQMD threshold of significance for NO_X and result in

a potentially significant impact, as shown in Table IV.B-6, *Estimated Unmitigated Maximum Regional Construction Emissions*, on page IV.B-67 of Section IV.B, *Air Quality*, of the Draft EIR; however, this impact is reduced to less than significant with implementation of Mitigation Measure MM-AQ-1, as shown in Table IV.B-7, *Estimated Mitigated Maximum Regional Construction Emissions*, on page IV.B-69 of Section IV.B, *Air Quality*, of the Draft EIR. Mitigation Measure MM-AQ-1 requires Modified Alternative 2 to utilize off-road diesel-powered construction equipment that meets or exceeds the CARB and USEPA Tier 4 Final off-road emissions standards for equipment rated at 50 horsepower or greater during Project construction. Implementation of MM-AQ-1 would reduce emissions of VOC, NO_X, PM10, and PM2.5.

As demonstrated by the discussion and authorities cited on page IV.B-68 of Section IV.B of the Draft EIR, and as shown by the information reported in Table IV.B-7, the level of emissions reductions achieved by Modified Alternative 2 from its implementation of MM-AQ-1 is consistent with the overall stringency of the Tier 4 Final off-road emissions standards. Modified Alternative 2's implementation of Mitigation Measure MM-AQ-1 reduces DPM emissions from the construction equipment by 81 to 96 percent as compared to equipment meeting the less stringent Tier 2 off-road emissions standards, depending on the specific horsepower rating of each piece of equipment. Furthermore, Modified Alternative 2 complies with fleet rules to reduce on-road truck emissions (i.e., 13 CCR, Section 2025 (CARB Truck and Bus regulation)). Compliance with these requirements and incorporation of these controls further ensures that Modified Alternative 2 meets or exceeds the AQMP requirements for control strategies intended to reduce emissions from construction equipment and activities.

Implementation of Mitigation Measure MM- AQ-1 also reduces emissions of VOC, NO_X, PM10, and PM2.5, but leaves emissions of SO_X unchanged. Implementation of Mitigation Measure MM-AQ-1 increases emissions of CO due to the engine technology involved in reducing NO_X emissions; however, even at that level, Modified Alternative 2's CO emissions are still below the significance threshold.

Therefore, potential NO_X emission impacts during construction are less than significant with incorporated mitigation measures.

TAC Emissions

As demonstrated by the qualitative analysis on pages IV.B-72 and IV.B-73 of Section IV.B, *Air Quality,* of the Draft EIR, pages 3-32 to 3-33 of Chapter 3, *Revisions, Clarifications and Corrections*, of the Final EIR, and Appendix C-1 of the Final EIR, Modified Alternative 2's temporary TAC emissions associated with Diesel Particulate Matter (DPM) emissions from heavy construction equipment are less than significant because of the short length of construction (22 months total) and the even shorter time during which the heavy construction equipment will be most extensively used, because of Modified Alternative 2's compliance with the applicable 2016 AQMP requirements for control strategies and with the CARB Air Toxics Control Measure that will minimize TAC emissions during construction, and because there will be no residual emissions or corresponding individual cancer risk after construction is completed.

As demonstrated by the quantitative construction health risk assessment conducted for the Project for informational purposes discussed on pages IV.B-73 and IV.B-74 of Section IV.B, *Air Quality*, of the Draft EIR, as reported in Table IV.B-10, *Estimated Maximum Construction Health Risk Impacts*, on page IV.B- 73 of the Draft EIR, the Project results in an unmitigated cancer risk of approximately 10.4 in one million, but a mitigated cancer risk of approximately 0.47 with implementation of Mitigation Measure MM-AQ-1, which is well below the 10 in one million

threshold of significance for the maximum impacted air quality-sensitive receptors. The Project results in an unmitigated non-cancer chronic hazard index of approximately 0.46, which is below the 1.0 threshold of significance for the maximum impacted air quality sensitive receptors.

As discussed on pages 3-32 to 3-33 of Chapter 3, *Revisions, Clarifications and Corrections*, of the Final EIR, and in Appendix C-1 of the Final EIR, as compared to the Project, Modified Alternative 2 requires fewer parking spaces and thus requires the construction of a smaller and shallower structure for parking, and also eliminates the Project's Building 2 and associated excavation; these modifications reduce the usage of TAC-emitting construction equipment as compared to the Project. Even so, to be conservative, it is concluded that Modified Alternative 2 results in an unmitigated cancer risk of approximately 10.4 in one million, but a mitigated cancer risk of approximately 0.47 with implementation of Mitigation Measure MM-AQ-1, which is well below the 10 in one million threshold of significance for the maximum impacted air quality-sensitive receptors, and an unmitigated non-cancer chronic hazard index of approximately 0.46, which is below the 1.0 threshold of significance for the maximum impacted air quality sensitive receptors. Therefore, although the health risk modeling analysis is provided for informational purposes only, it demonstrates that with implementation of Mitigation Measure MM-AQ-1, Modified Alternative 2's TAC emissions from construction activities do not expose sensitive receptors to substantial TAC concentrations with implementation of Mitigation Measure MM-AQ-1.

As demonstrated by the discussion and authorities cited at page IV.B-68 of Section IV.B of the Draft EIR, and as shown by the information reported in Table IV.B-7, the level of emissions reductions achieved by Modified Alternative 2 from its implementation of MM-AQ-1 is consistent with the overall stringency of the Tier 4 Final off-road emissions standards. Most pertinent here, Modified Alternative 2's implementation of Mitigation Measure MM-AQ-1 reduces DPM emissions from the construction equipment by 81 to 96 percent as compared to equipment meeting the less stringent Tier 2 off-road emissions standards, depending on the specific horsepower rating of each piece of equipment. Furthermore, Modified Alternative 2 complies with fleet rules to reduce on-road truck emissions (i.e., 13 CCR, Section 2025 (CARB Truck and Bus regulation)). Compliance with these requirements and incorporation of these controls further ensures that Modified Alternative 2 meets or exceeds the AQMP requirements for control strategies intended to reduce emissions from construction equipment and activities.

Implementation of Mitigation Measure MM- AQ-1 also reduces emissions of VOC, NO_X, PM10, and PM2.5, but leaves emissions of SO_X unchanged. Implementation of Mitigation Measure MM-AQ-1 increases emissions of CO due to the engine technology involved in reducing NO_X emissions; however, even at that level, Modified Alternative 2's CO emissions are still below the significance threshold.

Therefore, TAC emissions from Modified Alternative 2's construction activities will not expose sensitive receptors to substantial TAC concentrations with implementation of Mitigation Measure MM-AQ-1, and impacts are less than significant as mitigated.

Cumulative Impacts

Construction – Regional Criteria Pollutant Emissions

For the reasons discussed on pages IV.B-38 through IV.B-40 of Section IV.B, *Air Quality*, of the Draft EIR, the City has determined to rely on the SCAQMD thresholds using the SCAQMD's recommended methodology to determine the cumulative impacts of a development project (see

CEQA Guidelines Section 15064.7(c)). As shown in Table IV.B-6 on page IV.B-67 of Section IV.B, *Air Quality*, of the Draft EIR, Modified Alternative 2's unmitigated construction daily emissions of NO_X exceed the SCAQMD threshold of significance and result in a potentially significant impact; however, this impact is reduced to less than significant with implementation of Mitigation Measure MM-AQ-1, as shown by Table IV.B-7 on page IV.B-69. Therefore, with mitigation, Modified Alternative 2's potential regional criteria pollutant construction emissions do not result in a cumulatively considerable net increase of any criteria pollutant for which Modified Alternative 2's region is in non-attainment under an applicable federal or State ambient air quality standard.

Therefore, Modified Alternative 2's contribution of construction NO_X emissions is not cumulatively considerable, and its potential cumulative impacts related to construction emissions are mitigated to less than significant.

Construction – TAC Emissions

For the reasons discussed on pages IV.B-38 through IV.B-40 of Section IV.B, *Air Quality*, of the Draft EIR, the City has determined to rely on the SCAQMD thresholds using the SCAQMD's recommended methodology to determine the cumulative impacts of a development project (see CEQA Guidelines Section 15064.7(c)). For the reasons discussed on pages IV.B-72 and IV.B-73 of Section IV.B, *Air Quality*, of the Draft EIR, at page 3-32 to 3-33 of Chapter 3, *Revisions, Clarifications and Corrections*, of the Final EIR, and Appendix C-1 of the Final EIR, the qualitative assessment of Modified Alternative 2's temporary TAC emissions associated with DPM emissions from the heavy construction equipment used most during Modified Alternative 2's construction, and most intensively during grading and excavation, concludes that Modified Alternative 2's short-term TAC emissions during construction are less than significant. Additionally, Modified Alternative 2 complies with regulatory and legal requirements that also reduce its TAC emissions during construction, and there will be no residual emissions or corresponding cancer risk after construction concludes.

According to the results of the construction phase health risk modeling conducted for the Project for informational purposes, as shown in Table IV.B-10, *Estimated Maximum Construction Health Risk Impacts*, at page IV.B-73 of Section IV.B, *Air Quality*, of the Draft EIR, and as discussed on pages 3-32 through 3-33 of Chapter 3, *Revisions, Clarifications and Corrections*, of the Final EIR, and Appendix C-1 of the Final EIR, like the Project, Modified Alternative 2 results in an unmitigated cancer risk of approximately 10.4 in one million, but a mitigated cancer risk of approximately 0.47 with implementation of Mitigation Measure MM-AQ-1, which is well below the 10 in one million threshold of significance for the maximum impacted air quality-sensitive receptors, and an unmitigated non-cancer chronic hazard index of approximately 0.46, which is below the 1.0 threshold of significance for the maximum impacted air quality sensitive receptors. Therefore, although the health risk modeling analysis is provided for informational purposes only, it demonstrates that with implementation of Mitigation Measure MM-AQ-1, Modified Alternative 2's TAC emissions from construction activities do not expose sensitive receptors to substantial TAC concentrations with implementation of Mitigation Measure MM-AQ-1.

Therefore, both the qualitative assessment and the health risk assessment conclude that TAC emissions from construction activities will not expose sensitive receptors to substantial TAC concentrations. Thus, although the health risk modeling analysis is provided for informational purposes only, it demonstrates that construction activities under Modified Alternative 2 with incorporation of MM-AQ-1 will not expose sensitive receptors to substantial TAC concentrations. As such, cumulative construction TAC emissions impacts are less than significant.

Therefore, TAC emissions from Modified Alternative 2's construction activities will not expose sensitive receptors to substantial TAC concentrations with implementation of Mitigation Measure MM-AQ-1, and impacts are less than significant as mitigated.

References

For a complete discussion of impacts associated with Air Quality, please see Section IV.B, *Air Quality*, of the Draft EIR; Appendix C-1 of the Draft EIR, *Air Quality Technical Appendix*; Appendix C-2 of the Draft EIR, *Freeway Health Risk Assessment*; Chapter 3, *Revisions, Clarifications and Corrections*, of the Final EIR; and Appendix C-1 of the Draft EIR.

Biological Resources

Impact Summary

Protected Tree Ordinance

Decorative/ornamental trees are located within the Project site or along the public street frontages facing the Project Site, including 10 private property trees, two City right-of-way trees, and seven trees that overhang the Project Site. According to the Updated Tree Report (see updated Tree Report, Appendix C-6 to the Final EIR), none of the private property species is considered protected under the City 's Protected Tree Ordinance (Chapter IV, Article 6 of the Los Angeles Municipal Code).

Modified Alternative 2 incorporates a landscape plan, which provides for planting numerous street trees (approximately 19), as well as new shrubs and groundcover, and replacement of all significant, non-protected trees at a 1:1 ratio. Therefore, Modified Alternative 2 does not conflict with local policies or ordinances protecting biological resources. However, implementation of clarifications to regulatory measures included in standard City Mitigations Measures IS-1 through IS-3, below, is incorporated to further ensures impacts are less than significant.

Mitigation Measures

The following mitigation measures are identified in the Initial Study to reduce potentially significant impacts on biological resources to a less than significant level.

MM-IS-1 Prior to the issuance of any permit, a plot plan shall be prepared indicating the location, size, type, and general condition of all existing trees on the site and within the adjacent public right(s)-of-way.

MM-IS-2 All significant (8-inch or greater trunk diameter, or cumulative trunk diameter if multi-trunked, as measured 54 inches above the ground) non-protected trees on the site proposed for removal shall be replaced at a 1:1 ration with a minimum 24-inch box tree. Net, new trees, located within the parkway of the adjacent public right(s)-of-way, may be counted toward replacement tree requirements.

MM-IS-3 Removal or planting of any tree in the public right-of-way requires approval of the Board of Public Works. Contact Urban Forestry Division at: 213-847-3077. All trees in the public right-of-way shall be provided per the current

standards of the Urban Forestry Division the Department of Public Works, Bureau of Street Services.

Finding

Pursuant to Public Resources Code section 21081(a)(1), changes or alterations have been required in, or incorporated into, the Modified Alternative 2 that avoid or substantially lessen the significant impacts as identified in the EIR.

Rationale For Finding

As set forth in Appendix A to the Initial Study (Appendix A-2 of the Draft EIR) and in Appendix C-6 to the Final EIR, the City's Street Tree Ordinance requires that all significant, non-protected trees be replaced at a 1:1 ratio. The number of ornamental street trees proposed by the Modified Alternative 2 exceeds those currently in place on the Project Site and required by the City's Street Tree Ordinance. Modified Alternative 2 construction will not affect trees on contiguous properties other than the trees to the south of the Project Site, which could be cut back over the Project Site property line or removed, subject to an agreement with the adjacent property owner. Implementation of Standard City Mitigation Measures MM-IS-1 through MM- IS-3 by Modified Alternative 2 ensures that a plot plan demonstrating a minimum 1:1 replacement ratio of existing significant trees is submitted to the City prior to the issuance of any permit; and that removal or planting of any tree in the public right-of-way obtains approval of the Board of Public Works. All other landscaping components comply with all LAMC requirements. Therefore, Modified Alternative 2 does not conflict with local policies or ordinances protecting biological resources. Implementation of standard City Mitigations Measures MM-IS-1 through MM-IS-3, below, ensures Modified Alternative 2's impacts are less than significant.

Reference

For a discussion of impacts associated with Biological Resources, please see Draft EIR, Chapter VI; Appendix A-2 of the Draft EIR, the Initial Study, pages B-6 through B-9 and Appendix A to the Initial Study, and Appendix C-6 of the Final EIR.

Cultural Resources

Impact Summary

Construction

Impacts on Archaeological Resources

As discussed on pages 3-34 through 3-38 of Chapter 3, *Revisions, Clarifications and Corrections*, of the Final EIR, Modified Alternative 2 includes demolition of the existing buildings (but retains the existing residences located at 1765 and 1771 N. Vista Del Mar Avenue) at the Project Site. However, Modified Alternative 2 involves the construction of only one and-a-half levels of subterranean parking, with excavation depths of a maximum of approximately 20 feet and approximately 40 feet for footings, slightly less than under the Project, and does not involve the construction of the Project's Building 2. Therefore, Modified Alternative 2 reduces the amount of excavation as compared to the Project. As set forth on page IV.C-39 of Section IV.C, *Cultural Resources*, of the Draft EIR, no known historic archaeological or prehistoric archaeological resources have been identified within or within a half-mile radius of the Project Site. However, there is a moderate potential that historic archaeological resources (e.g. refuse pits, privies,

structural remains, etc.) associated with the residence of Albert G. Bartlett, the owner of Bartlett Sheet Music in downtown Los Angeles, have been preserved below the foundations of the existing apartment buildings and below the surface parking lot within the Project Site. Therefore, Modified Alternative 2 creates potentially significant impacts to buried/unknown unique archaeological resources, and mitigation is required to reduce those impacts to a less than significant level. Mitigation measures MM-ARH-1 through MM-ARCH-3 are identified below.

Mitigation Measures

The following mitigation measures are identified for Modified Alternative 2 to reduce potentially significant impacts on cultural resources to a less than significant level.

MM-ARCH-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) to oversee an archaeological monitor who shall be present during construction excavations such as demolition, clearing/grubbing, grading, trenching, or any other construction excavation activity associated with Modified Alternative 2. The frequency of monitoring shall be based on the rate of excavation and grading activities, the materials being excavated (younger sediments vs. older sediments), and 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 ceased entirely, if determined adequate by the qualified Archaeologist. Prior to commencement of excavation activities, an Archaeological Sensitivity Training shall be given for construction personnel. 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 the procedures to be followed in such an event.

MM-ARCH-2: In the event that historic (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. An appropriate buffer area shall be established by the qualified Archaeologist around the find where construction activities shall not be allowed to continue. Work shall be allowed to 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. 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 preservation in place is not feasible, treatment may include implementation of archaeological data recovery excavations to remove the resource along with subsequent laboratory processing and analysis. Any archaeological material collected shall be curated at a public, non-profit institution with a research interest in the materials, such as the Fowler Museum, 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.

MM-ARCH-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 and CEQA. 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.

Finding

Pursuant to Public Resources Code section 21081(a)(1), changes or alterations have been required in, or incorporated into, Modified Alternative 2 that avoid or substantially lessen the significant impacts as identified in the EIR.

Rationale For Finding

Construction

Impacts on Archaeological Resources

For the reasons discussed in Section IV.C, *Cultural Resources*, of the Draft EIR, implementation of Mitigation Measures MM-ARCH-1 through MM-ARCH-3, inclusive, which provide for archeological monitoring during construction overseen by a qualified Archeologist, the cessation or diversion of ground-disturbing activities should archeological resources be encountered, and appropriate treatment and/or preservation of resources, if encountered, ensure Modified Alternative 2 would not cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5 or Public Resources Code Section 21083.2, should such a resource be encountered during construction. Potentially significant impacts to archaeological resources are reduced to a less than significant level. Cumulative impacts are also less than significant.

Therefore, potential impacts to archeological resources during construction are less than

significant with incorporated mitigation measures.

References

For a complete discussion of impacts associated with Cultural Resources, please see pages IV.C-1 through IV.C-25, IV.C-32 through IV.C-37 and IV.C-40 through IV.C-43 of Section IV.C, *Cultural Resources*, of the Draft EIR, pages IV.I-14 through IV.I-24 of Section IV.I, *Noise*, of the Draft EIR, Appendix D-1 of the Draft EIR; pages 3-6 through 3-7 and3-34 through 3-38 of Chapter 3, *Revisions, Clarifications and Corrections*, of the Final EIR; Appendix C-1 and C-2 of the Final EIR.

Geology

Impact Summary

Construction

Paleontological Resource or Site or Unique Geological Feature

As set forth in Chapter IV.E, *Geology and Soils*, of the Draft EIR, and Chapter 3, *Revisions, Clarifications and Corrections*, of the Final EIR, the Project Site contains potentially fossiliferous older Quaternary alluvial fan and fluvial deposits that underlie surficial deposits. Although it requires less excavation than the Original Project due to its elimination of the Project's Building 2 and includes only one and one-half subterranean parking levels, Modified Alternative 2 includes excavation to potential depths of approximately 20 feet below surface for the subterranean parking levels, with footings extending down to approximately 40 feet below ground surface. Therefore, like the Original Project, grading and excavation in older Quaternary Alluvium deposits for Modified Alternative 2 could result in potentially significant impacts on paleontological resources, although its impacts would be less than the Original Project's impacts. Therefore, Mitigation Measures MM-PALEO-1 through MM-PALEO-3 are identified to reduce Modified Alternative 2's potentially significant project-level impacts to buried/unknown paleontological resources to a less than significant level, and ensure that the cumulative effects of Modified Alternative 2 together with related projects are less than significant.

Mitigation Measures

The following mitigation measures are identified for Modified Alternative 2 to reduce potentially significant impacts on buried/unknown paleontological resources to a less than significant level.

MM-PALEO-1: Prior to the issuance of a demolition permit, the Applicant shall retain a qualified Paleontologist meeting the Society of Vertebrate Paleontology (SVP) Standards (SVP, 2010) to develop and implement a paleontological monitoring program for construction excavations that would encounter the fossiliferous older Quaternary alluvium deposits (associated with sediments below five feet deep across the Project Site). The Qualified Paleontologist shall attend a pre-grade meeting to discuss a paleontological monitoring program. The Qualified Paleontologist shall supervise a paleontological monitor who shall be present during construction excavations into older Quaternary alluvium deposits. Monitoring shall consist of visually inspecting fresh exposures of rock for larger fossil remains and, where appropriate, collecting wet or dry screened sediment

samples of promising horizons for smaller fossil remains. The frequency of monitoring inspections shall be determined by the Qualified Paleontologist and shall be based on the rate of excavation and grading activities, proximity to known paleontological resources or fossiliferous geologic formations (i.e., older Quaternary alluvium deposits), the materials being excavated (i.e., native sediments versus artificial fill), and the depth of excavation, and if found, the abundance and type of fossils encountered. Full-time monitoring can be reduced to part-time inspections or ceased entirely if determined adequate by the qualified Paleontologist.

MM-PALEO-2: If a potential fossil is found, the paleontological monitor shall be allowed to temporarily divert or redirect grading and excavation activities in the area of the exposed fossil to facilitate evaluation of the discovery. An appropriate buffer area shall be established by the Qualified Paleontologist around the find where construction activities shall not be allowed to continue. Work shall be allowed to continue outside of the buffer area. At the qualified Paleontologist's discretion and to reduce any construction delay, the grading and excavation contractor shall assist in removing rock samples for initial processing and evaluation of the find. If preservation in place is not a feasible treatment measure, the Qualified Paleontologist shall implement a paleontological salvage program to remove the resources from the Project Site. Any fossils encountered and recovered shall be prepared to the point of identification and catalogued before they are submitted to their final repository. Any fossils collected shall be curated at a public, non-profit institution with a research interest in the materials, such as the Los Angeles County Natural History Museum, if such an institution agrees to accept the fossils. If no institution accepts the fossil collection, they shall be donated to a local school in the area for educational purposes. Accompanying notes, maps, and photographs shall also be filed at the repository and/or school.

MM-PALEO-3: Prior to the release of the grading bond, the Qualified Paleontologist shall prepare a report summarizing the results of the monitoring and salvaging efforts, the methodology used in these efforts, as well as a description of the fossils collected and their significance. The report shall be submitted by the Applicant to the City, the Natural History Museum of Los Angeles County, and representatives of other appropriate or concerned agencies to signify the satisfactory completion of the Project and required mitigation measures.

Finding

Pursuant to Public Resources Code section 21081(a)(1), changes or alterations have been required in, or incorporated into, Modified Alternative 2 that avoid or substantially lessen the significant impacts as identified in the EIR.

Rationale For Finding

Modified Alternative 2 would not directly or indirectly destroy a unique geological feature. As discussed in Chapter IV.E, *Geology and Soils*, of the Draft EIR, Mitigation Measures MM-PALEO-1 through MM-PALEO-3, inclusive, require *inter alia*: retention of a qualified paleontologist to develop, implement and supervise a paleontological monitoring program for construction excavations; if a potential fossil is found, the paleontological monitor to temporarily divert or redirect grading and excavation activities in the area and establish a buffer area for initial processing and evaluation; if preservation in place is not a feasible treatment measure, the Qualified Paleontologist to implement a paleontological salvage program to remove the resources from the Project Site; and the preparation of a report summarizing the result of the monitoring and salvaging efforts, the methodology used, as well as a description of the fossils collected and their significance to be submitted to the appropriate or concerned agencies prior to the release of the grading bond.

As discussed at pages 3-41 of Chapter 3, *Revisions, Clarifications and Corrections*, of the Final EIR, Modified Alternative 2's impacts related to excavation and the discovery of paleontological resources would be reduced as compared to the Original Project. The implementation of Mitigation Measures MM-PALEO-1 through MM-PALEO-3, inclusive, are consistent with Society of Vertebrate Paleontology's "Standard Procedures for the Assessment and Mitigation of Adverse Impacts to Paleontological Resources" (2010), would provide for avoidance and recovery of resources if an inadvertent encounter were to occur. Therefore, implementation of Mitigation Measures MM-PALEO-1 through MM-PALEO-3 ensures Modified Alternative 2's potentially significant project-level impacts to paleontological resources are reduced to a less than significant level, and that the cumulative effects of Modified Alternative 2 together with related projects are less than significant.

References

For a complete discussion of impacts associated with Paleontological Resources, please see Section IV.E, *Geology and Soils*, of the Draft EIR, Appendix D-3 of the Draft EIR; and Chapter 3, *Revisions, Clarifications and Corrections*, of the Final EIR.

Noise

Impact Summary

Construction Noise

Groundborne Vibration Regarding Building Damage

As discussed on pages IV.I-14 through IV.I-24 of Section IV.I, *Noise*, of the Draft EIR, existing noise sensitive uses are located on and within 500 feet of the Project Site, as shown in **Figure IV.I-2**, *Noise Measurement Locations and Existing Noise Sensitive Locations*, on page IV.I-16. Certain of these uses include, among others, the off-site adjacent non-engineered timber and masonry residential structures on Vista Del Mar Avenue that are identified as contributors to the Vista del Mar/Carlos Historic District, as shown in **Figure IV.C-1**, *Historic Resources Adjacent to the Project Site*, and discussed on pages IV.C-12 through IV.C-25 of Section IV.C, *Cultural Resources*, and pages IV.I-23 and IV.I-24 of Section IV.I, *Noise*, of the Draft EIR and pages 3-2 through 3-4of Chapter 3, *Revisions, Clarifications and Corrections*, of the Final EIR.

As discussed on pages 3-16 through 3-18, 3-34 through 3-38, and 3-44 through 3-45 of Chapter 3, *Revisions, Clarifications and Corrections*, of the Final EIR, because Modified Alternative 2 eliminates construction of Building 2 and instead retains the residences at 1765 and 1771 Vista Del Mar Avenue, construction of Modified Alternative 2 does not require using heavy construction equipment that would cause groundborne vibration impacts within at least 20 feet of the nearest adjacent contributor to the Vista del Mar/Carlos Historic District located at 1761-63 Vista del Mar Avenue. At 20 feet, the maximum vibration level from the construction equipment needed for Modified Alternative 2 construction would be 0.124 PPV, which is well below the significance threshold of 0.2 PPV. (See Final EIR, Appendix C-1.) Therefore, Modified Alternative 2 creates less than significant groundborne vibration impacts to off-site structures, and neither MM-NOI-3 or MM-NOI-4 identified for the Original Project in the Draft EIR and revised and clarified in the Final EIR is required. Even so, to be conservative and to ensure additional protection to contributors to the Vista del Mar/Carlos Historic District, Modified Alternative 2 retains the mitigation measures identified for the Project in the Draft EIR, MM-NOI-3 and MM-NOI-4.

Operational

Emergency Generator

As demonstrated by the analysis for the Original Project in Section IV.I, *Noise*, of the Draft EIR, operational noise impacts related to the Original Project's emergency generator will be potentially significant at the nearest off-site sensitive receptors (represented by measurement/sensitive receptor locations R1 and R4) located 155 feet and 200 feet away, respectively, and identified in **Figure IV.I-2**, *Noise Measurement Locations and Existing Noise Sensitive Receptor Locations*, on page IV.I-16. Similar to the Original Project, Modified Alternative 2's emergency generator is also anticipated to be located on the P1 level of Building 1, approximately 75 feet from Argyle Avenue and along the southern perimeter of Building 1. Its emergency generator is also assumed to be rated at approximately 250 kilowatts (approximately 335 horsepower). Modified Alternative 2's emergency generator will be used in the event of a power outage, and periodically for maintenance and testing for up to 50 hours per year in accordance with South Coast Air Quality Management District Rule 1470.

Based on a noise survey that was conducted for an equivalent generator by ESA, noise from the Original Project and Modified Alternative 2's emergency generator is expected to be approximately 96 dBA (L_{eq}) at 25 feet, which would be approximately 80 dBA at 155 feet (R1 locations) and 78 dBA at 200 feet (R4 locations), and which would exceed the existing ambient noise levels at these locations. The combined noise level from the emergency generator plus the existing ambient noise levels (65 dBA at R1, and 56 dBA at R4) would be approximately 80 dBA at R1 locations and 78 dBA at R4 locations, which would exceed the significance threshold. Therefore, noise impacts would be potentially significant at the nearest noise sensitive receptors (R1 and R4 locations) located 155 feet and 200 feet away, respectively, and mitigation would be required. Implementation of Mitigation Measure MM-NOI-5, identified below, by Modified Alternative 2 would reduce this impact to less than significant.

The off-site residential uses and hotel uses on the north side of Yucca Street (represented by measurement/sensitive receptor location R2) located approximately 160 feet from the emergency generator and the residential uses to the east and southeast of the Project Site along Vista Del Mar Avenue (represented by measurement/sensitive receptor location R3) located approximately 300 feet from the emergency generator, while located near to the Project Site, would not have a

line-of-sight to the emergency generator. For locations R2 and R3, Modified Alternative 2's building would act as a noise enclosure and substantially shield the emergency generator noise by at least 34 dBA. Given distance attenuation and noise shielding effects, the emergency generator noise at R2 locations would be 46 dBA L_{eq} and at R3 locations would be 40 dBA L_{eq}, respectively, which would not exceed the ambient noise levels at R2 and R3 locations of 61 dBA and 58 dBA, respectively.

Composite Noise

Section IV.I, *Noise*, of the Draft EIR conservatively assesses the combined noise from the Original Project's various noise sources (i.e., composite noise level) to ascertain the maximum potential Original Project-related noise level increase that may occur at the noise-sensitive receptor locations identified on **Figure IV.I-2**, *Noise Measurement Locations and Existing Noise Sensitive Receptor Locations*, on page IV.I-16 of Section IV.I, *Noise*, of the Draft EIR. Similar to the Original Project, noise sources associated with the Modified Alternative 2 would include traffic on nearby roadways, automobile movement noise in the parking structures, outdoor/open space noise, loading dock and refuse service areas, emergency generator, and on-site mechanical equipment. The maximum composite noise impacts are generally expected near the Project Site boundary. As shown in Table 3-4, *Unmitigated Composite Noise Levels at Sensitive Receptor Locations R1, R2, R3 and R4 from Modified Alternative 2 Operation*, on page 3-51 in Chapter 3, *Revisions, Clarifications and Corrections*, of the Final EIR, the composite noise levels are dominated by the emergency generator, which would be located on P1 level of Modified Alternative 2's building, approximately 75 feet from Argyle Avenue and along the southern perimeter of the Building. The maximum composite noise impacts are expected to occur at noise-sensitive receptors at locations R1 and R4. Location R1 represents uses located across Argyle Avenue that could experience composite noise from the emergency generator, Podium Courtyard (6th level), roof garden (30th level), and parking access, as well as from traffic on Argyle Avenue. Location R4 represents uses located adjacent to the south of the Project Site that could experience composite noise from the Modified Alternative 2's emergency generator, Podium Courtyard (6th level), roof garden (30th level), and parking access, as well as from traffic on Vista Del Mar and Carlos Avenue. Locations R2 and R3 to the north and east of the Project Site would be less affected by composite noise, even though they experience open space noise from the park space (2nd level), because the Modified Alternative 2 building would provide a buffer from composite noise from the emergency generator and also would be situated further away from the podium courtyard (for R3) and the parking access (for R2).

As shown in Table 3-4, the composite noise levels from the operation of Modified Alternative 2 would be up to 80.2 dBA at the R1 location, up to 63.5 dBA at the R2 location, up to 61.5 dBA at the R3 location, and up to 78.1 dBA at the R4 location, largely based on conservative noise level assumptions for the emergency generator and conservatively using the Project-related peak hour traffic noise levels, even though Modified Alternative 2's peak hour traffic noise levels are lower. The noise levels generated by mechanical equipment and by the loading dock and refuse collection areas were assumed to be the same for Modified Alternative 2 as for the Original Project, since the size and location of these noise sources are assumed to be similar for the Original Project and Modified Alternative 2.

Overall, relative to the existing noise environment, the Modified Alternative 2 is estimated to increase the ambient noise level by approximately 15.2 dBA at the residences to the west (R1 location) along Argyle Avenue, approximately 2.5 dBA to the hotel and residential uses to the north (R2 location) along Yucca Street, approximately 3.5 dBA to the residential uses to the east (R3 location) along Vista Del Mar, and by approximately 22.1 dBA at the residences to the south

along Carlos Avenue (R4 location). The increase in unmitigated noise levels at R2 and R3 locations would not exceed the significance threshold of an increase of 5 dBA, but would be above the applicable increase of 5 dBA at R1 and R4 locations. This analysis conservatively assumes that Modified Alternative 2's operational noise sources would generate maximum noise levels simultaneously. Therefore, as with the Original Project, the unmitigated composite noise level impact on sensitive receptors due to the Modified Alternative 2's future operations are potentially significant, and mitigation is required. Mitigation Measure MM- NOI-5, identified below, reduces this impact to less than significant.

Project Design Features

The following PDFs are incorporated into the Project to reduce its potential noise impacts The Applicant has incorporated the following Project Design Features (PDFs) into the Modified Alternative 2 to reduce its potential construction noise impacts.

PDF-NOI-1: Generators used during the construction process will be electric or solar powered. Solar generator and electric generator equipment shall be located as far away from sensitive uses as feasible.

PDF-NOI-2: The Project will not use impact pile drivers and will not allow blasting during construction activities.

Mitigation Measures

The following mitigation measures are identified for Modified Alternative 2 to reduce potentially significant construction groundborne vibration impacts to off-site structures and operational composite noise impacts to less than significant.

MM-NOI-1: **Construction Noise Barriers**: The Project shall provide a temporary 15-foot tall construction noise barriers (i.e., wood, sound blanket) between the Project construction site and residential development along the entire south, west, and east boundaries of the Project Site, achieving a performance standard of a 15 dBA noise level reduction. At plan check, building plans shall include documentation prepared by a noise consultant verifying compliance with this measure. The temporary noise barriers shall be used during early Project construction phases (up to the start of framing) when the use of heavy equipment is prevalent.

MM-NOI-2: Heavy construction equipment such as a large dozer, a large grader, and a large excavator shall not operate within 15 feet from the nearest single-family residential building adjacent to the Project Site along Vista Del Mar Avenue (R3). Small construction equipment such as a small dozer, a small excavator, and a small grader shall be permitted to operate within 15 feet from the nearest single-family residential building adjacent to the Project Site along Vista Del Mar Avenue (R3). The Applicant shall designate a construction relations officer to serve as a liaison with the nearest single-family residential buildings (R3). The liaison shall be responsible for responding to concerns regarding construction groundborne vibration within 24 hours of receiving a complaint. The

liaison shall ensure that steps will be taken to reduce construction groundborne vibration levels as deemed appropriate and safe by the on-site construction manager. Such steps could include the use of vibration absorbing barriers, substituting lower groundborne vibration generating equipment or activity, rescheduling of high groundborne vibration-generating construction activity, or other potential adjustments to the construction program to reduce groundborne vibration levels at the nearest single-family residential building adjacent to the Project Site along Vista Del Mar Avenue (R3).

MM-NOI-3: Heavy construction equipment such as a large dozer, a large grader, and a large excavator shall not operate within 15 feet from the nearest single-family residential building adjacent to the Project Site along Vista Del Mar Avenue (R3). Small construction equipment such as a small dozer, a small excavator, and a small grader shall be permitted to operate within 15 feet from the nearest single-family residential building adjacent to the Project Site along Vista Del Mar Avenue (R3). The Applicant shall designate a construction relations officer to serve as a liaison with the nearest single-family residential buildings (R3). The liaison shall be responsible for responding to concerns regarding construction groundborne vibration within 24 hours of receiving a complaint. The liaison shall ensure that steps will be taken to reduce construction groundborne vibration levels as deemed appropriate and safe by the on-site construction manager. Such steps could include the use of vibration absorbing barriers, substituting lower groundborne vibration generating equipment or activity, rescheduling of high groundborne vibration-generating construction activity, or other potential adjustments to the construction program to reduce groundborne vibration levels at the nearest single-family residential building adjacent to the Project Site along Vista Del Mar Avenue (R3).

MM-NOI-4: Prior to start of construction, the Project Applicant shall retain the services of a licensed building inspector, or structural engineer, or other qualified professional as approved by the City, to inspect and document (video and/or photographic) the apparent physical condition of the residential buildings along Vista Del Mar Avenue (measurement location/sensitive receptor location R3), including but not limited to the building structure, interior wall, and ceiling finishes.

The Project Applicant shall retain the services of a qualified acoustical engineer to review proposed construction equipment and develop and implement a groundborne vibration monitoring program capable of documenting the construction-related groundborne vibration levels at each residence during demolition, excavation, and construction of the parking garages. The groundborne vibration monitoring program shall measure (in vertical and horizontal directions) and continuously store the peak

particle velocity (PPV) in inch/second. Groundborne vibration data shall be stored on a two-second interval. The program shall also be programmed for two preset velocity levels: a warning level of 0.15 inch/second PPV and a regulatory level of 0.2 inch/second PPV. The program shall also provide real-time alerts when the groundborne vibration levels exceed the two preset levels. Monitoring shall be conducted at a feasible location between the Project Site and the residential buildings along Vista del Mar Avenue adjacent to the Project Site as near to the adjacent residential structures as possible.

- The groundborne vibration monitoring program shall be submitted to the Department of Building and Safety, prior to initiating any construction activities for approval.

- In the event the warning level (0.15 inch/second PPV) is triggered, the contractor shall identify the source of groundborne vibration generation and provide feasible steps to reduce the groundborne vibration level such as halting/staggering concurrent activities or utilizing lower vibratory techniques.

- In the event the regulatory level (0.2 inch/second PPV) is triggered, the contractor shall halt the construction activities in the vicinity of the affected residences and visually inspect the affected residences for any damage. Results of the inspection must be logged. The contractor shall identify the source of groundborne vibration generation and implement feasible steps to reduce the groundborne vibration level such as staggering concurrent activities or utilizing lower vibratory techniques. Construction activities may continue upon implementation of feasible steps to reduce the groundborne vibration level.

- In the event damage occurs to the residential buildings along Vista Del Mar Avenue (measurement location/sensitive receptor location (R3) due to Project construction groundborne vibration, such materials shall be repaired to the same or better physical condition as documented in the pre-construction inspection and video and/or photographic records. Any such repair work shall be conducted in accordance with the Secretary of Interior's Standards for Rehabilitation pursuant to CEQA Guidelines Section 15064.5, subsection (b)(3).

MM-NOI-5: **Emergency Generator:** The Project shall install a sound enclosure and/or equivalent noise-attenuating features (i.e., mufflers) for the emergency generator that will provide approximately 25 dBA noise reduction. At plan check, building plans shall include documentation

prepared by a noise consultant verifying compliance with this measure.

Finding

Pursuant to Public Resources Code section 21081(a)(1), changes or alterations have been required in, or incorporated into, Modified Alternative 2 that avoid or substantially lessen the significant impacts as identified in the EIR.

Rationale for Finding

Construction Noise

Groundborne Vibration Impacts on Off-Site Structures

As discussed on pages 3-16 through 3-18, 3-34 through 3-38, and 3-44 through 3-45 of Chapter 3, *Revisions, Clarifications and Corrections*, of the Final EIR, because Modified Alternative 2 eliminates construction of Building 2 and instead retains the residences at 1765 and 1771 Vista Del Mar Avenue, construction of Modified Alternative 2 does not require using heavy construction equipment that would cause groundborne vibration impacts within at least 20 feet of the nearest adjacent contributor to the Vista del Mar/Carlos Historic District located at 1761-63 Vista Del Mar Avenue. Therefore, unlike the Original Project, Modified Alternative 2 creates less than significant groundborne vibration impacts to off-site structures. Even so, to be conservative and to ensure additional protection to contributors to the Vista del Mar/Carlos Historic District, Modified Alternative 2 retains the mitigation measures identified for the Project, MM-NOI-3 and MM-NOI-4.

As demonstrated in the analysis in Section IV.I, *Noise*, of the Draft EIR and pages 3-2 through 3-3, 3-15 through 3-16, 3-37 through 3-38, and 3-44 through 3-45 of Chapter 3, *Revisions, Clarifications and Corrections*, of the Final EIR, implementation of Mitigation Measure MM-NOI-3 will ensure that groundborne vibration levels during construction of the Project will be below the significance threshold of 0.2 inches per second (PPV) for potential structural damage impacts at the nearest single-family residential building adjacent to the Project Site along Vista Del Mar Avenue by requiring a 15-foot buffer between the nearest off-site building and heavy construction equipment operations. At 15 feet, implementation of Mitigation Measure MM-NOI-3 results in groundborne vibration levels of 0.191 inches per second (PPV), which is less than the significance threshold of 0.2 inches per second (PPV). Since Modified Alternative 2 does not include construction of the Original Project's Building 2 and retains the two residences at 1765 and 1771 N. Vista Del Mar, construction of Modified Alternative 2 will generally occur farther from the nearest adjacent contributor to the Vista del Mar/Carlos Historic District located at 1761-63 Vista del Mar Avenue than Project construction would. At 20 feet, the maximum vibration level from the construction equipment used for the Modified Alternative 2 would be 0.124 PPV, which is well below the significance threshold of 0.2 PPV. (See Final EIR, Appendix C-1.) Therefore, Modified Alternative 2 would have even less of an effect on the Vista Del Mar/Carlos Historic District than the Original Project's less than significant effect with implementation of Mitigation Measure MM-NOI-3.

As discussed on pages 3-3 through 3-4 of Chapter 3, *Revisions, Clarifications and Corrections*, of the Final EIR, Mitigation Measure MM-NOI-4 was revised in the Final EIR to require monitoring at the closest reasonable point between the Project Site and the neighboring Vista del Mar historic contributors – which could include monitoring on the Project Site itself if neighboring property

owners refuse to allow vibration monitoring equipment to be placed on their property. Mitigation Measure MM-NOI-4 was also clarified in the Final EIR to provide that any repairs to the residential buildings along Vista Del Mar necessitated due to Project construction will be conducted in accordance with the Secretary of Interior's Standards for Rehabilitation pursuant to CEQA Guidelines Section 15064.5, subsection (b)(3). The Project's implementation of Mitigation Measures MM-NOI-3 and MM-NOI-4, as revised and clarified, ensure that groundborne vibration levels are below the thresholds associated with potential damage to the residential buildings along Vista Del Mar Avenue (represented by measurement location/sensitive receptor location R3) due to Project construction. Accordingly, based on substantial evidence in the EIR and mitigation measures, Modified Alternative 2's less than significant impacts to district contributors would be further reduced.

Therefore, Modified Alternative 2's less than significant groundborne vibration impacts to off-site structures during construction are further reduced with incorporated mitigation measures.

Operational Noise

Emergency Generator

As discussed on pages 3-45 and 3-46 of Chapter 3, *Revisions, Clarifications and Corrections*, of the Final EIR, Modified Alternative 2 requires the implementation of Mitigation Measure MM-NOI-5, like the Original Project, to reduce the potentially significant noise impacts from its emergency generator. As required by Mitigation Measure MM-NOI-5, Modified Alternative 2 will install a sound enclosure and/or equivalent noise attenuation features (i.e., mufflers) for the emergency generator that provide approximately 25 dBA of noise reduction. As shown by comparing Table 3-4 to Table 3-5 in Chapter 3, *Revisions, Clarifications and Corrections*, of the Final EIR, with a sound enclosure, the generator noise level will be reduced from 80 dBA to approximately 55 dBA at the noise sensitive receptors (R1 location) along Argyle Avenue, and from 78 dBA to approximately 53 dBA at the noise sensitive receptors (R4 location) south of the Project Site, which levels are below the significance thresholds of 70 dBA for R1 locations and 61 dBA for R4 locations. The combined mitigated noise level from the emergency generator plus the existing ambient noise levels (65 dBA at R1 location and 56 dBA at R4 location) would be approximately 65 dBA at R1 location and 58 dBA at R4 location, which levels would not exceed the applicable significance thresholds.

Therefore, Modified Alternative 2's generator-related noise impacts would be less than significant with mitigation.

Composite Noise

As discussed on pages 3-45 and 3-46 of Chapter 3, *Revisions, Clarifications and Corrections*, of the Final EIR, Modified Alternative 2 requires the implementation of Mitigation Measure MM-NOI-5 to reduce the potentially significant noise impacts from its emergency generator. As required by Mitigation Measure MM-NOI-5, Modified Alternative 2 will install a sound enclosure and/or equivalent noise attenuation features (i.e., mufflers) for the emergency generator that provide approximately 25 dBA of noise reduction. As shown by comparing Table 3-4 to Table 3-5 in Chapter 3, *Revisions, Clarifications and Corrections*, of the Final EIR, with a sound enclosure, the generator noise level will be reduced from 80 dBA to approximately 55 dBA at the noise sensitive receptors (R1 location) along Argyle Avenue, and from 78 dBA to approximately 53 dBA at the noise sensitive receptors (R4 location) south of the Project Site, which levels are below the significance thresholds of 70 dBA for R1 location and 61 dBA for R4 location. The combined

mitigated noise level from the emergency generator plus the existing ambient noise levels (65 dBA at R1 location and 56 dBA at R4 location) would be approximately 65 dBA at R1 location and 58 dBA at R4 location, which levels would not exceed the applicable significance thresholds. Therefore, generator-related noise impacts would be less than significant with mitigation.

As shown in Table 3-5, Composite Noise Levels at Sensitive Receptor Location R1 and R4 from Modified Alternative 2 Operation with Mitigation, on page 3-53 of Chapter 3, Revisions, Clarifications and Corrections, of the Final EIR, the outdoor/open space activity would contribute a maximum of 51 dBA at sensitive receptor R1 location, and the outdoor/open space activity would contribute a maximum of 55 dBA at sensitive receptor R4 location. Mitigation measure MM-NOI-5 would reduce emergency generator-related noise levels to 55 dBA at the noise sensitive receptors (R1 location) along Argyle Avenue and to 53 dBA at the noise sensitive receptors (R4 location) south of the Project Site, which are below the significance thresholds of 70 dBA. The mitigated composite noise levels from operation of Modified Alternative 2 with the mitigated emergency generator noise levels would be up to 60.0 dBA for R1 location and up to 58.8 dBA for R4 location. Overall, relative to the existing noise environment, Modified Alternative 2 is estimated to increase the ambient noise level by approximately 1.2 dBA at the residences to the west (R1 location) along Argyle Avenue and by 4.6 dBA at the residences to the south (R4 location). This increase in noise would be below the applicable thresholds involving increases of 5 dBA. This analysis conservatively assumes that the Modified Alternative 2's operational noise sources would generate maximum noise levels simultaneously.

As such, the composite noise level impacts on sensitive receptors due to the Project's future operations would be less than significant with mitigation.

References

For a complete discussion of impacts associated with Noise, please see Section IV.I, *Noise*, of the Draft EIR; Appendix A-2 of the Draft EIR; Appendix I of the Draft EIR, *Noise and Vibration Technical Appendix*; Chapter 3, *Revisions, Clarifications and Corrections*, of the Final EIR; and Appendix C-1 to the Final EIR.

Transportation

Impact Summary

Operational Traffic

Vehicle Miles Traveled (VMT) – Consistency with CEQA Guidelines Section 15064.3(b)

As set forth on pages 3-58 through 3-60 of Chapter 3, *Revisions, Clarifications and Corrections*, of the Final EIR, Modified Alternative 2 was analyzed for potential VMT impacts using the same methodology as that described on pages IV.L-35 through IV.L-37 in Chapter IV.L, Transportation, of the Draft EIR, that being LADOT's VMT Calculator Version 1.2. As reported in Table 3-6 on page 3-59 of Chapter 3, *Revisions, Clarifications and Corrections*, of the Final EIR, Modified Alternative 2 would generate approximately 8,460 VMT per day (7,476 VMT after mitigation). As such, Modified Alternative 2 generates an average per capita household VMT of 7.5, prior to mitigation, which exceeds the applicable Central APC impact threshold of 6.0. Therefore, Modified Alternative 2 results in a potentially significant household VMT impact. Modified Alternative 2 generates an average work VMT of 5.0 per employee, which is less than the applicable Central APC per employee impact threshold of 7.6. With implementation of Mitigation Measure TRAF-1,

identified below, Modified Alternative 2's potentially significant household VMT impact is reduced to a less than significant level.

As described on page 3-60 of Chapter 3, *Revisions, Clarifications and Corrections*, of the Final EIR, subsequent to the release of the Draft EIR in April 2020, in May 2020 LADOT released version 1.3 of the VMT Calculator. The update incorporated the latest available data, and included adjustments to trip length averaging, transit mode splits, and trip purpose splits to better match the VMT Calculator with the City's Travel Demand Forecasting Model on which it is based. When analyzing the Modified Alternative 2 using version 1.3 of the VMT Calculator, the Modified Alternative 2 would have household VMT per capita of 5.1 and work VMT per capita of 6.7, both under the applicable significance thresholds, before the implementation of the Modified Alternative 2's TDM program. Based on this supplemental information, MM-TRAF-1 would not be required to reduce VMT impacts below the level of significance. Nonetheless, the Modified Alternative 2 would implement MM-TRAF-1 to minimize the effects of Modified Alternative 2 VMT and help meet City goals regarding VMT and emissions reduction, as well as supporting the use of multi-modal transportation.

Cumulative Impacts

As shown in **Table IV.L-3**, *Related Projects Within One Quarter Mile of the Project Site*, of the Draft EIR, page IV.L-40, eight related projects, which consist of a mix of residential, hotel, commercial, and office uses, are located within one quarter-mile of the Project Site. Given the improvements and street front amenities of several related projects, including, street trees, lighting and wide sidewalks, cumulatively Modified Alternative 2 in combination with the related projects would create a more pedestrian-friendly street front. As with the Original Project, Modified Alternative 2 and these related projects include adequate bicycle facilities, nearby multi-modal transportation facilities, do not conflict with adjacent street designations and classification. Each related project would be separately reviewed and approved by the City and would be required to comply with City design and LAMC requirements and would include an analysis of consistency with applicable plans, programs, policies, and ordinances. According to the TAG, for projects that do not demonstrate a project impact by applying an efficiency-based impact threshold (i.e. VMT per capita or VMT per employee) in the project impact analysis, a less-than-significant project impact conclusion is sufficient in demonstrating there is no cumulative VMT impact. Projects that fall under the City's efficiency-based impact thresholds are already shown to align with the long-term VMT and GHG reduction goals of the SCAG 2016-2040 RTP/SCS. With the incorporation of MM-TRAF-1, the VMT household and work per capita would be below the City's efficiency-based impact thresholds, and as such, Modified Alternative 2's contribution to cumulative transportation VMT impacts would not be considerable.

Mitigation Measures

The following mitigation measures are identified for Modified Alternative 2 to further reduce its less than significant VMT impacts.

MM-TRAF-1: **Transportation Demand Management Program.** The Project Applicant shall prepare and implement a comprehensive Transportation Demand Management (TDM) Program to promote non-auto travel and reduce the use of single-occupant vehicle trips. The TDM Program shall be subject to review and approval by the Department of City Planning and LADOT. A covenant and agreement shall be implemented to ensure that the TDM Program

shall be maintained. The exact measures to be implemented shall be determined when the Program is prepared, prior to issuance of a final certificate of occupancy for Modified Alternative 2. The TDM Program shall ensure that the VMT for Modified Alternative 2 would be below the applicable VMT threshold(s) established in the Transportation Assessment Guidelines through such means that could include monitoring or reporting, as required by the City. The strategies in the TDM Program shall include at a minimum, the following:

- Unbundled Parking: Provision of unbundled parking for residents (i.e., parking space is leased separately from dwelling units); and
- Promotions and Marketing: Employees and residents shall be provided with materials and promotions encouraging use of alternative modes of transportation. This type of campaign would raise awareness of the options available to people who may never consider any alternatives to driving.

In addition, the TDM could include measures such as:

- Provide an internal Transportation Management Coordination Program with an on-site transportation coordinator;
- Design the project to ensure a bicycle, transit, and pedestrian friendly environment;
- Accommodate flexible/alternative work schedules and telecommuting programs;
- A provision requiring compliance with the State Parking Cash-out Law in all leases;
- Coordinate with DOT to determine if the project location is eligible for a future Integrated Mobility Hub (which can include space for a bike share kiosk, and/or parking spaces on-site for car-share vehicles);
- Provide on-site transit routing and schedule information;
- Provide a program to discount transit passes for residents/employees possibly through negotiated bulk purchasing of passes with transit providers;
- Provide rideshare matching services;
- Preferential rideshare loading/unloading or parking location;
- Contribute a one-time fixed fee contribution of $75,000 to be deposited into the City's Bicycle Plan Trust Fund to implement bicycle improvements in the vicinity of the project.; and/or
- Participation as a member in the future Hollywood Transportation Management Organization (TMO), when operational. When the Hollywood TMO becomes operational,

the Hollywood TMO's services may replace some of the in-house TDM services where applicable.

In addition to these TDM measures, DOT also recommends that the applicant explore the implementation of an on-demand van, shuttle or tram service that connects the project employees to off-site transit stops (such as the Metro Red Line stations) based on the transportation needs of the project's employees. Such a service can be included as an additional measure in the TDM program if it is deemed feasible and effective by the applicant.

Finding

Pursuant to Public Resources Code section 21081(a)(1), changes or alterations have been required in, or incorporated into, Modified Alternative 2 that avoid or substantially lessen the significant impacts as identified in the EIR.

Rationale For Finding

Mitigation Measure MM-TRAF-1 requires implementation of a TDM program to reduce vehicle trips. The combined effect of the various strategies implemented as part of the TDM program will result in a reduction in Modified Alternative 2's vehicle trip generation and VMT by offering services, actions, specific facilities, etc., aimed at encouraging the use of alternative transportation modes. As shown in Table 3-6, *VMT Analysis Summary*, at page 3-59 in Chapter 3, *Revisions, Clarifications and Corrections*, of the Final EIR, with implementation of Mitigation Measure MM TRAF-1, Modified Alternative 2 would generate 7,476 daily VMT (a reduction of 984 daily VMT), which includes a home-based production daily VMT of 3,573 and a home-based work attraction daily VMT of 154. With Mitigation Measure MM TRAF-1, Modified Alternative 2 will generate an average household VMT per capita of 5.9 (1.6 less than prior to mitigation). With mitigation, Modified Alternative 2 will not exceed the household VMT per capita threshold of 6.0. Work VMT for Modified Alternative 2 is less than significant without mitigation. Thus, with Mitigation Measure MM-TRAF-1, Modified Alternative 2 meets the threshold criteria of being 15% less than the existing average household VMT per capita for the Central APC area, and its household VMT impact would be reduced to a less than significant level.

It is further noted that with regard to the Hollywood TMO referenced in Mitigation Measure MM-TRAF-1, the Hollywood community is a strong candidate for the promotion of alternative modes of transportation, including convenient walking and bicycling, carpooling and vanpooling, use of public transit, short-term automobile rentals, etc. A TMO is an organization that helps to promote these services to a community by providing information about available public transportation options and matching people into ridesharing services. The developers of various approved projects in the Hollywood area, along with LADOT and stakeholders, have proposed to initiate the Hollywood TMO. Some of the TDM strategies could be enhanced through participation in the Hollywood TMO, once and if it becomes operational. As indicated above, once the Hollywood TMO becomes operational, the Hollywood TMO's services may replace some of the in-house TDM services, where applicable.

Mitigation Measure MM-TRAF-1 is consistent with the City's policies on sustainability and smart growth and with LADOT's trip reduction and multi-modal transportation program, all of which support improvements that reduce greenhouse gas emissions by reducing the use of single-

occupant vehicle trips, encouraging developers to construct transit and pedestrian-friendly projects with safe and walkable sidewalks, and providing efficient and effective traffic management and monitoring.

References

For a complete discussion of impacts associated with Transportation, please see Section IV.L, *Transportation*, of the Draft EIR; Appendix A-2 of the Draft EIR, Initial Study; Appendix L-1 of the Draft EIR, *CEQA Thresholds Analysis*; Appendix L-2 of the Draft EIR, *Traffic Impact Study*; Appendix L-3 of the Draft EIR*, Vehicle Miles Traveled Analysis for the Alternatives*; Chapter 3, *Revisions, Clarifications and Corrections*, of the Final EIR; Appendix C-4 of the Final EIR, *Modified Alternative 2 Analysis for the 6220 Yucca Street Mixed-Use Project Hollywood, California*.

VI. ENVIRONMENTAL IMPACTS FOUND TO BE SIGNIFICANT EVEN AFTER MITIGATION

The EIR concluded that the following impact areas remain significant and unavoidable following implementation of all feasible mitigation measures described in the Draft and Final EIR. Consequently, in accordance with PRC Section 21081(b) and CEQA Guidelines Section 15093, a Statement of Overriding Considerations has been prepared as set forth in Section IX of these Findings. The City finds and determines that:

1. All significant environmental impacts that can feasibly be avoided or substantially lessened have been avoided or substantially lessened through either incorporation of PDFs (see CEQA Guidelines Section 15064(f)(2)) and/or implementation of mitigation measures; and

2. Based on the 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 Modified Alternative 2, all remaining unavoidable significant impacts, as set forth in these Findings, are overridden by the benefits of Modified Alternative 2, as described in the Statement of Overriding Considerations for the construction and operation of Modified Alternative 2, and all implementing actions.

Noise

Impact Summary

Construction

Exposure of Persons to or Generation of Noise Levels in Excess of Standards

On-Site Noise

As demonstrated by the analyses at pages IV.I-29 through IV.I-33 in Section IV.I, *Noise*, and supported by Appendix I of the Draft EIR, and on pages 3-44 and 3-45 of Chapter 3, *Revisions, Clarifications and Corrections*, of the Final EIR and Appendix C-1 of the Final EIR, construction of Modified Alternative 2 requires using mobile heavy equipment with high noise-level characteristics that will create significant on-site construction noise impacts. Individual pieces of construction equipment that will be used during Modified Alternative 2 construction produce

maximum noise levels of 74 dBA to 90 dBA at a reference distance of 50 feet from the noise source, as shown in Table IV.I-8, *Construction Equipment Noise Levels*, on page IV.I-31 of the Draft EIR. These maximum noise levels occur when the equipment is operating under full power conditions. The estimated usage factors for the equipment, which are based on the FHWA's Roadway Construction Noise Model User's Guide, are also shown in Table IV.I-8. To more accurately characterize construction-period noise levels, the EIR calculates the average (Hourly L_{eq}) noise level associated with each construction stage based on the quantity, type, and usage factors for each type of equipment to be used during each construction stage. Over the course of a construction day, the highest noise levels are generated when multiple pieces of construction equipment are operating concurrently. The estimated noise levels at the off-site sensitive receptor locations were based on a scenario that assumed the maximum concurrent operation of equipment, which is considered to be a worst-case evaluation because Project construction will use less overall equipment on a daily basis, and as such will generate lower noise levels.

A summary of the construction noise impacts at the existing nearby sensitive receptors is provided in Table IV.I-9, *Estimated Construction Noise Levels at Existing Off-Site Sensitive Receptors*, on pages IV.I-32 and IV.I-33 of Section IV.I, *Noise*, of the Draft EIR. Detailed noise calculations for construction activities are provided in Appendix I of the Draft EIR. As shown in Table IV.I-9, construction noise levels are estimated to reach a maximum of 106 dBA at the off-site sensitive receptor locations (R3 location) along west side of Vista Del Mar Avenue, a maximum of 83 dBA at the off-site sensitive receptor locations (R2 location) along Yucca Street, a maximum of 82 dBA at the off-site sensitive receptor locations (R1 location) along Argyle Avenue, and a maximum of 69 dBA at the off-site sensitive receptor locations (R4 location) along Carlos Avenue. Therefore, similar to the Original Project, Modified Alternative 2's construction-related noise levels will exceed the significance thresholds of 70 dBA at sensitive receptor location R1 (average daytime noise level of 65 dBA plus 5 dBA), of 66 dBA at off-site sensitive receptor location R2 (average daytime noise level of 61 dBA plus 5 dBA), of 63 dBA at off-site sensitive receptor location R3 (ambient noise level of 58 dBA plus 5 dBA), and of 61 dBA at off-site sensitive receptor locations R4 (ambient noise level of 56 dBA plus 5 dBA). The ambient noise levels are shown in Table IV.I-5 of the Draft EIR, page IV.I-19.

As such, the Modified Alternative 2 will exceed significance thresholds at residential uses located to the west of the Project Site along Argyle Avenue (R1 location), located south and east of the Project Site along Vista Del Mar Avenue (R3 location), located north of Yucca Street (R2 location), and located north and south of Carlos Avenue (R4 location). Impacts would be significant.

Exposure of Persons to or Generation of Groundborne Vibration and Groundborne Noise – Off-Site

Human Annoyance

As demonstrated by the analyses on pages IV.I-50 through IV.I-53 in Section IV.I, *Noise*, of the Draft EIR and supported by Appendix I of the Draft EIR, on pages 3-3, 3-13 through 3-14, and 3-44 and 3-45 of Chapter 3, *Revisions, Clarifications and Corrections*, of the Final EIR and supported by Appendix C-1 of the Final EIR, construction of Modified Alternative 2 results in temporary significant groundborne vibration and noise human annoyance impacts. Construction of Modified Alternative 2 generates groundborne vibration and groundborne noise during site clearing, grading and shoring activities. Based on the groundborne vibration data provided in Table IV.I-13 on page IV.I-51 of the Draft EIR, groundborne vibration velocities created by the operation of construction equipment will range from approximately 0.003 to 0.089 inches per second PPV at 25 feet from the source of activity. As stated on page IV.I-53 of the Draft EIR, for

typical buildings, groundborne vibration results in groundborne noise levels that are approximately 35 to 37 decibels lower than the velocity level.

As discussed on pages 3-44 and 3-45 of Chapter 3, *Revisions, Clarifications and Corrections*, of the Final EIR, Modified Alternative 2, by eliminating the Original Project's Building 2 and retaining the existing residential buildings at 1765 and 1771 N. Vista Del Mar, Modified Alternative 2 construction does not involve using vibration-producing heavy construction equipment within at least 20 feet of neighboring residential structures along Vista Del Mar. As concluded on page 3-45 of Chapter 3, *Revisions, Clarifications and Corrections*, of the Final EIR, although these features of Modified Alternative 2 render its groundborne vibration impacts with respect to building damage less than significant at the single-family residence closest to the Project Site's southeastern property line without the need for any mitigation, Modified Alternative 2 would still create significant groundborne vibration and groundborne noise human annoyance impacts at that location. (See also Final EIR, Appendix C-1.) In addition, as shown in Table IV.I-13, construction groundborne vibration levels for certain construction equipment at 25, 50 and 75 feet exceed the 72 VdB perception threshold; at 100 feet, vibration levels from all construction equipment fall to below the 72 VdB perception threshold. Therefore, sensitive receptor locations R1 (located approximately 80 feet from the Project Site) and R2 (located approximately 65 feet from the Project Site) are potentially exposed to construction groundborne vibration levels in excess of the 72 VdB perception threshold.

However, because these exceedances occur only when heavy equipment, such as a larger dozer and heavy trucks, are operating along the boundary of the construction site, construction-related groundborne vibration levels will only exceed 72 VdB threshold intermittently and generally for very short durations. Therefore, Modified Alternative 2 results in temporary significant groundborne vibration and groundborne noise human annoyance impacts, and mitigation is required.

Cumulative Impacts

On-site Construction Noise

For the reasons identified in the analysis contained on pages IV.1-55 through IV.I-56 of Section IV.I, *Noise*, of the Draft EIR, similar to the Original Project, cumulative construction noise impacts from on-site activities related to construction of Modified Alternative 2 together with related projects will be significant and unavoidable. Noise from on-site construction activities is localized and would normally affect the areas within 500 feet from each individual construction site. Two of the 137 related projects are located within the immediate vicinity of the Project Site and therefore have the potential to cumulatively contribute to ambient noise level increases together with Modified Alternative 2.

Similar to the Original Project, the nearest related projects that may be under construction concurrently with Modified Alternative 2 are Related Project 14 (Pantages Theater Office), located to the south of the Project Site, and Related Project 29 (Hollywood Center), located to the west of the Project Site; these related projects have the highest potential for cumulative impacts to the R4 locations. The R4 locations are residential uses to the south of the Project Site along Carlos Avenue, situated approximately 190 feet away from the Project Site. Modified Alternative 2 alone will result in a maximum construction noise level of 69 dBA L_{eq} at the off-site sensitive receptor locations along Carlos Avenue (R4 location) during demolition, grading/excavation, and building construction/paving/architectural coating, which exceeds the 61 dBA threshold for these receptors (see Table IV.9, *Estimated Construction Noise Levels at Existing Off-Site Sensitive Receptors*,

on page IV.-32 of Section IV.I, *Noise*, of the Draft EIR).

The combined on-site construction noise levels from Modified Alternative 2 and the two related projects will be intermittent, temporary and will cease at the end of the construction phase, and their construction days and hours will comply with time restrictions and other relevant provisions in the LAMC. Therefore, the Project's on-site construction noise together with the on-site construction noise from the two related projects will create short-term cumulative impacts at the R4 off-site noise sensitive receptors.

Off-Site Traffic-Related Construction Noise

As demonstrated by the analysis on page IV.I-56 in Section IV.I, *Noise*, of the Draft EIR, construction traffic from any of the related projects that are under construction when the Project is also under construction will contribute to noise levels on major thoroughfares throughout the area, even though those related projects are located in different areas and, at least to some extent, have varied haul routes and traffic patterns associated with their construction, and haul routes for the related projects may overlap along Argyle Avenue and Yucca Street; therefore, Modified Alternative 2's off-site construction noise impacts are conservatively concluded to be cumulatively considerable and cumulative off-site construction noise impacts are significant and unavoidable.

Existing ambient daytime noise levels at R1 locations (Argyle Avenue) and R2 locations (Yucca Street) were 65 dBA and 61 dBA, respectively (see Table IV.I-5 on page IV.I-19 of the Draft EIR). An estimated maximum of 160 truck trips per hour can occur along Argyle Avenue and a maximum of 64 truck trips per hour can occur along Yucca Street without exceeding the significance criteria of 5 dBA above ambient noise levels (70 dBA and 66 dBA, respectively). Similar to the Original Project, Modified Alternative 2 will generate up to 26 truck trips per hour during the grading/excavation phase of construction, which will last for approximately four months. Other phases of construction of Modified Alternative 2 will generate fewer maximum daily truck trips. If the related projects generate 134 more trips per hour along Argyle Avenue and 38 more trips per hour along Yucca Street than the Project, the cumulative noise levels from off-site construction would exceed the significance thresholds. During peak periods, it is possible that Modified Alternative 2 and related projects will have overlapping haul truck schedules and will cause noise levels greater than the significance thresholds. For these reasons, it is conservatively concluded that Modified Alternative 2's off-site construction noise impacts are cumulatively considerable and cumulative off-site construction noise impacts are significant and unavoidable.

Project Design Features

The following PDFs are incorporated into Modified Alternative 2 to reduce its potential noise impacts.

PDF-NOI-1: Generators used during the construction process will be electric or solar powered. Solar generator and electric generator equipment shall be located as far away from sensitive uses as feasible.

PDF-NOI-2: The Project will not use impact pile drivers and will not allow blasting during construction activities.

Mitigation Measures

The following mitigation measures are identified for Modified Alternative 2 to minimize the significant construction noise impacts, the construction groundborne vibration and groundborne noise impacts, and the cumulative construction noise impacts.

MM-NOI-1: **Construction Noise Barriers**: The Project shall provide a temporary 15-foot tall construction noise barriers (i.e., wood, sound blanket) between the Project construction site and residential development along the entire south, west, and east boundaries of the Project Site, achieving a performance standard of a 15 dBA noise level reduction. At plan check, building plans shall include documentation prepared by a noise consultant verifying compliance with this measure. The temporary noise barriers shall be used during early Project construction phases (up to the start of framing) when the use of heavy equipment is prevalent.

MM-NOI-2: **Equipment Noise Control**: The Project contractor(s) shall employ state-of-the-art noise minimization strategies when using mechanized construction equipment.

- The contractor(s) shall not use blasting, jack hammers or pile drivers. The contractor(s) shall use only electric power crane(s),and shall use other electric equipment if commercially available.
- The contractor(s) shall limit unnecessary idling of equipment on or near the site.
- The contractor(s) shall place noisy construction equipment as far from the Project Site edges as practicable.
- The Project contractor(s) shall equip all construction equipment, fixed or mobile, with properly operating and maintained noise mufflers, consistent with manufacturers' standards. For example, absorptive mufflers are generally considered commercially available, state-of-the-art noise reduction for heavy duty equipment. The construction contractor shall keep documentation on-site demonstrating that the equipment has been maintained in accordance with manufacturer's specifications.

MM-NOI-3: Heavy construction equipment such as a large dozer, a large grader, and a large excavator shall not operate within 15 feet from the nearest single-family residential building adjacent to the Project Site along Vista Del Mar Avenue (R3). Small construction equipment such as a small dozer, a small excavator, and a small grader shall be permitted to operate within 15 feet from the nearest single-family residential building adjacent to the Project Site along Vista Del Mar Avenue (R3). The Applicant shall designate a construction relations officer to serve as a liaison with the nearest single-family residential buildings (R3). The liaison shall be responsible for responding to concerns regarding construction

groundborne vibration within 24 hours of receiving a complaint. The liaison shall ensure that steps will be taken to reduce construction groundborne vibration levels as deemed appropriate and safe by the on-site construction manager. Such steps could include the use of vibration absorbing barriers, substituting lower groundborne vibration generating equipment or activity, rescheduling of high groundborne vibration-generating construction activity, or other potential adjustments to the construction program to reduce groundborne vibration levels at the nearest single-family residential building adjacent to the Project Site along Vista Del Mar Avenue (R3).

MM-NOI-4: Prior to start of construction, the Project Applicant shall retain the services of a licensed building inspector, or structural engineer, or other qualified professional as approved by the City, to inspect and document (video and/or photographic) the apparent physical condition of the residential buildings along Vista Del Mar Avenue (measurement location/sensitive receptor location R3), including but not limited to the building structure, interior wall, and ceiling finishes.

The Project Applicant shall retain the services of a qualified acoustical engineer to review proposed construction equipment and develop and implement a groundborne vibration monitoring program capable of documenting the construction-related groundborne vibration levels at each residence during demolition, excavation, and construction of the parking garages. The groundborne vibration monitoring program shall measure (in vertical and horizontal directions) and continuously store the peak particle velocity (PPV) in inch/second. Groundborne vibration data shall be stored on a two-second interval. The program shall also be programmed for two preset velocity levels: a warning level of 0.15 inch/second PPV and a regulatory level of 0.2 inch/second PPV. The program shall also provide real-time alerts when the groundborne vibration levels exceed the two preset levels. Monitoring shall be conducted at a feasible location between the Project Site and the residential buildings along Vista del Mar Avenue adjacent to the Project Site as near to the adjacent residential structures as possible.

- The groundborne vibration monitoring program shall be submitted to the Department of Building and Safety, prior to initiating any construction activities for approval.
- In the event the warning level (0.15 inch/second PPV) is triggered, the contractor shall identify the source of groundborne vibration generation and provide feasible steps to reduce the groundborne vibration level such as

halting/staggering concurrent activities or utilizing lower vibratory techniques.

- In the event the regulatory level (0.2 inch/second PPV) is triggered, the contractor shall halt the construction activities in the vicinity of the affected residences and visually inspect the affected residences for any damage. Results of the inspection must be logged. The contractor shall identify the source of groundborne vibration generation and implement feasible steps to reduce the groundborne vibration level such as staggering concurrent activities or utilizing lower vibratory techniques. Construction activities may continue upon implementation of feasible steps to reduce the groundborne vibration level.
- In the event damage occurs to the residential buildings along Vista Del Mar Avenue (measurement location/sensitive receptor location R3) due to Project construction groundborne vibration, such materials shall be repaired to the same or better physical condition as documented in the pre-construction inspection and video and/or photographic records. Any such repair work shall be conducted in accordance with the Secretary of Interior's Standards for Rehabilitation pursuant to CEQA Guidelines Section 15064.5, subsection (b)(3).

Finding

Pursuant to Public Resources Code section 21081(a)(1), the City finds that changes or alterations have been required in, or incorporated into, Modified Alternative 2 that mitigate or avoid the significant effects on the environment. However, these effects have not been reduced to less than significant.

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

Rationale For Finding

Construction

On-Site Noise

As demonstrated by the analysis in Section IV.I, *Noise*, of the Draft EIR, Mitigation Measures MM-NOI-1 and MM-NOI-2 are identified as the only feasible mitigation measures to address the Original Project's significant construction noise impacts; however, even with implementation of these mitigation measures, the Original Project's construction noise impacts remain significant, and are therefore unavoidable. As Modified Alternative 2 will employ similar construction as the Original Project, the same conclusion would apply to the Modified Project. Mitigation Measure MM-NOI-1 requires the installation of sound barriers during construction that will achieve a noise reduction of 15 dBA between construction activities and off-site receptor locations along Argyle Avenue (R1 locations), Vista Del Mar Avenue (R3 locations), and Carlos Avenue (R4 locations). Sound barriers are not feasible to reduce the impacts to sensitive receptors (represented by

measurement location/sensitive receptor location R2) along the north side of Yucca Street since Modified Alternative 2's construction staging area and/or traffic entrance would be located on the south side of Yucca Street adjacent to the Project Site. Although the noise reduction provided by the noise barriers required by Mitigation Measure MM-NOI-1 is considered to be a substantial reduction, construction noise levels will still increase the daytime ambient noise level above the 5-dBA significance threshold at the residential uses along Vista Del Mar Avenue (represented by measurement location/sensitive receptor location R3) during some phases of construction. In addition, the sound barrier will not reduce the noise levels at the upper floors (i.e., 3rd to 18th floor) of the multi-family residential uses at the southwest corner of Yucca Street and Argyle Avenue (R1 locations) or the upper floors (i.e. 3rd floor to 5th floor) of the five-story mixed-use residential uses (R4 locations) along Carlos Avenue since the sound barrier would not block the line of sight between the construction site and upper floors of the 18-story multi-family residential use (R1) or the five-story mixed-use residential uses (R4). Thus, construction noise impacts are significant and unavoidable at the upper floors (i.e., 3rd to 18th floor) of the multi-family residential uses at the southwest corner of Yucca Street and Argyle Avenue (R1), at the adjacent residential uses along Vista Del Mar Avenue (R3), the upper floors of the five-story mixed-use residential uses south of Carlos Avenue (R4), and those on the north side of Yucca Street (R2), even with Modified Alternative 2's implementation of MM-NOI-1.

While the noise minimization strategies required by Mitigation Measure MM-NOI-2 reduce noise levels where feasible, construction noise impacts will remain significant and unavoidable, even with the noise level reductions achieved by Modified Alternative 2's implementation of MM-NOI-1 and MM-NOI-2, together.

Therefore, even with implementation of Mitigation Measures MM-NOI-1 and MM-NOI-2, together, Modified Alternative 2's construction noise impacts are significant and unavoidable. Pursuant to Public Resources Code section 21081(a)(3), based on the evidence described below in Section IX, Statement of Overriding Considerations, the City finds that specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report to reduce these impacts to less than significant.

Groundborne Vibration and Noise – Human Annoyance

As demonstrated by the analysis in Section IV.I, *Noise*, of the Draft EIR, on pages 3-2 through 3-3 and 3-44 through 3-45 of Chapter 3, *Revisions, Clarifications and Corrections*, of the Final EIR and in Appendix C-1 of the Final EIR, Mitigation Measure MM-NOI-3 ensures that construction groundborne vibration levels are below the significance threshold of 0.2 inches per second (PPV) for potential structural damage impacts at the nearest single-family residential building adjacent to the site along Vista Del Mar Avenue (R3). This mitigation measure requires a 15-foot buffer between the nearest residential building and heavy construction equipment operations. At 15 feet, the groundborne vibration levels are reduced to 0.191 inches per second (PPV). The mitigated level of 0.191 inches per second (PPV) is less than, but still close to the significance threshold of 0.2 inches per second (PPV). As set forth on pages 3-44 and 3-45 of Chapter 3, *Revisions, Clarifications and Corrections*, of the Final EIR, implementation of Mitigation Measure MM-NOI-4, providing for a groundborne vibration monitoring program, further reduces groundborne vibration levels, but even with Mitigation Measure MM-NOI-3, cannot reduce groundborne vibration and groundborne noise impacts on human annoyance to below the human perceptibility threshold within groundborne vibration-sensitive uses, which include residential uses.

Therefore, even with implementation of Mitigation Measures MM-NOI-3 and MM-NOI-4, together,

Modified Alternative 2's temporary construction groundborne vibration and groundborne noise human annoyance impacts are significant and unavoidable. Pursuant to Public Resources Code section 21081(a)(3), based on the evidence described below in Section IX, Statement of Overriding Considerations, the City finds that specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report to reduce these impacts to less than significant.

Cumulative Impacts

On-site Construction Noise

As discussed on pages IV.1-55 through IV.I-56 of Section IV.I, *Noise*, of the Draft EIR, two of the Project's 137 related projects are located within the immediate vicinity of the Project Site and therefore have the potential to cumulatively contribute to ambient noise level increases together with the Original Project (and similarly with Modified Alternative 2), including Related Project 14 (Pantages Theater Office), located to the south of the Project Site, and Related Project 29 (Hollywood Center), located to the west of the Project Site. These related projects have the highest potential for cumulative impacts to the R4 locations, which are residential uses to the south of the Project Site along Carlos Avenue, situated approximately 190 feet away from the Project Site. Similar to the Original Project, Modified Alternative 2 alone results in a maximum construction noise level of 69 dBA L_{eq} at the off-site sensitive receptor locations along Carlos Avenue (R4 locations) during demolition, grading/excavation, and building construction/paving/architectural coating, which exceeds the 61 dBA threshold for these receptors (see Table IV.9, *Estimated Construction Noise Levels at Existing Off-Site Sensitive Receptors*, at page IV.-32 of Section IV.I, *Noise*, of the Draft EIR).

Neither the Applicant nor the City has any control over the timing or extent of the construction of any of the related projects, including Related Project 14 and Related Project 29. Even if the mitigation measures identified for Modified Alternative 2 were also imposed on these related projects, significant and unavoidable cumulative construction noise impacts will still result at the R4 receptors because Modified Alternative 2, as mitigated, creates significant construction noise impacts at the R4 receptors. Noise associated with cumulative construction activities is reduced to the degree reasonably and technically feasible through mitigation measures identified for each individual project and compliance with the City's noise ordinances. Even so, potential cumulative impacts as a result of construction of the Project and nearby related projects cannot be precluded. The combined on-site construction noise levels from Modified Alternative 2 and the two related projects will be intermittent, temporary and will cease at the end of the construction phase, and their construction days and hours will comply with time restrictions and other relevant provisions in the LAMC. Therefore, Modified Alternative 2's on-site construction noise together with the on-site construction noise from the two related projects create short-term cumulative impacts at the R4 off-site noise sensitive receptors.

As such, Modified Alternative 2's on-site construction noise impacts are determined to be significant, cumulatively considerable and unavoidable, although temporary. Pursuant to Public Resources Code section 21081(a)(3), based on the evidence described below in Section IX, Statement of Overriding Considerations, the City finds that specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report to reduce these impacts to less than significant.

Off-Site Construction Traffic-Related Noise

For the reasons discussed on pages IV.I-56 of Section IV.I, *Noise*, of the Draft EIR, it is possible that the Original Project's (and similarly, the Modified Alternative 2's) off-site construction-related traffic together with the related projects' off-site construction-related traffic will combine to create a cumulative off-site construction-related traffic noise impact, and/or that the haul routes for Modified Alternative 2 and the related projects will overlap, particularly with respect to haul routes along Argyle Avenue and Yucca Street. Specifically, there is a potential for related projects and Modified Alternative 2 to use the same haul routes at the same time. Therefore, Modified Alternative 2's off-site construction-related traffic impacts combined with those of the related projects, and the potential for overlapping haul routes are determined to create significant cumulative impacts, although temporary.

As such, Modified Alternative 2's off-site construction-related traffic noise impacts and potential overlap of haul routes are determined to be significant, cumulatively considerable and unavoidable, although temporary. Pursuant to Public Resources Code section 21081(a)(3), based on the evidence described below in Section IX, Statement of Overriding Considerations, the City finds that specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report to reduce these impacts to less than significant.

References

For a complete discussion of impacts associated with Noise, please see Section IV.I, *Noise*, of the Draft EIR; Appendix A-2 of the Draft EIR; Appendix I of the Draft EIR, *Noise and Vibration Technical Appendix*; Chapter 3, *Revisions, Clarifications and Corrections*, of the Final EIR; and Appendix C-1 to the Final EIR.

VII. 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 (PRC § 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 alternatives analysis focused on avoiding or substantially reducing the Project's significant impacts.

Summary of Findings

Based on these Findings, the EIR, and the whole of the administrative record, the City finds that the EIR analyzes a reasonable range of alternatives that would feasibly attain most of the basic objectives of, and would substantially lessen the significant impacts of, the Project as originally proposed and analyzed in the Draft EIR, and that the EIR adequately evaluates the comparative merits of each alternative. Specifically, the EIR considers the following alternatives: (1) No Project/No Build; (2) Primarily Residential Mixed-Use; (3) No Commercial Zone Change, no High Density Residential, No Density Bonus Density; and (4) Primarily Office Mixed Use. Additionally, the City finds that Modified Alternative 2's modifications meet the basic purposes of CEQA set

forth under Section 15002, subsections (a) and (h) of the CEQA Guidelines, to incorporate changes into a project to avoid and/or significantly reduce environmental damage, by eliminating the Project and Alternative 2's Building 2 component on N. Vista Del Mar Avenue and retaining the two existing residences on N. Vista Del Mar Avenue, reducing the amount of excavation required overall, including by eliminating Building 2 and a level of subterranean parking, and converting an existing paved surface parking lot at the corner of Yucca Avenue and Vista Del Mar to a landscaped park.

Having weighed and balanced the pros and cons of each of the alternatives analyzed in the EIR, each of the analyzed alternatives, other than Alternative 2, is hereby found to fail to meet most of the basic objectives of the Project. Based on the EIR's analyses, the Project Objectives, these CEQA Findings, and specific economic, social, or other considerations, including the provision of employment opportunities for highly trained workers as identified in Section IX of these Findings (Statement of Overriding Considerations), the City finds that three of the four alternatives analyzed warrant rejection. All such findings are found to be supported by the evidence contained in the whole of the administrative record and the evidence, documents and testimony presented in this matter. On pages V-6 through V-7 of Section V, *Alternatives*, of the Draft EIR, the EIR also identifies the alternatives that were considered but rejected as infeasible during the scoping process, including an industrial alternative and a single-family residential alternative, and adequately explains the reasons underlying their rejection, including, without limitation, their failure to meet most of the Project's basic objectives and their infeasibility.

Based upon the following analysis, the City finds, pursuant to Public Resources Code Section 21081(a)(3), that specific economic, legal, social, technological, or other considerations, make Alternatives 1, 3, and 4 infeasible. The City finds that Alternative 2 lessens the environmental impacts of the Project, while substantially complying with the Project Objectives, and is feasible. The City further finds that the modifications to Alternative 2 proposed in Modified Alternative 2 further reduce impacts as compared to Alternative 2, and that Modified Alternative 2 also continues to be feasible and substantially comply with the Project Objectives.

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."

The underlying purpose of the Project is to redevelop the underutilized Project Site, which is located in a Transit Priority Area, and which currently contains aging, low-density, rent stabilized residential multi-family units and one single-family home with a high-density development providing a mix of residential units and hotel and commercial/restaurant uses to meet the community's need for a range of housing options and new jobs, and to attract visitors to the area's businesses, restaurants and attractions.

The objectives for the Project are as follows:

- To construct an infill development that balances commercial and residential uses by providing a mix of retail, dining, multi-family residential and hotel uses that are complementary to the existing uses in the Project Site area;

- To redevelop the underutilized Project Site with an economically viable and attractive transit-oriented high-density mixed-use development that is appropriate for the Project Site's location in a Transit Priority Area and is consistent with its designation as Regional Center and Hollywood Center;
- To promote and support local and regional mobility, greenhouse gas and air quality objectives to reduce vehicle miles traveled, reduce reliance on single-passenger vehicles and increase the use of public transit, and maximize infill development by constructing a high-density residential, hotel and commercial/restaurant mixed-use development on a site within a designated Transit Priority Area that is located within one-quarter mile of key public transit facilities, including the Hollywood and Vine Red Line Station;
- To provide a diverse mix of dwelling units that appeal to a range of household sizes to help meet the critical demand for new housing in the Hollywood Community Plan area;
- To increase the City's stock of rent controlled units under the City's RSO through a project that provides 100 percent of its residential apartment units as RSO units;
- To provide a right of return for residents of existing onsite residential apartment units subject to the RSO;
- To support job creation and to increase business opportunities within Los Angeles by developing the Project's hotel and commercial/restaurant uses on a site well-served by transit; and
- To revitalize the streetscape surrounding the Project Site and encourage pedestrian activity and bicycle use by creating a streetscape design that allows for outdoor café tables, parkway planters and bicycle parking within an overall landscape design that integrates the Project development into the surrounding urban neighborhood.

Project Alternatives Analyzed

Alternative 1—No Project/No Build Alternative

Description

Under the No Project/No Build Alternative, no new development would occur on the Project Site, and the existing uses at the Project Site would continue to operate in their current state. Thus, the physical conditions of the Project Site would remain exactly as they are today. No new buildings would be constructed, and the existing Project Site buildings, including one single-family residence, one duplex and a studio apartment, and three two-story apartment buildings and associated carports and paved surface parking areas, would not be removed or altered.

Impact Summary

The No Project/No Build Alternative would avoid all of the Project's less-than significant, potentially significant and significant and unavoidable impacts, because no new development would occur on the Project Site.

Finding

Pursuant to PRC Section 21081(a)(3), the City finds that the specific economic, legal, social,

technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.

Rationale for Finding

With this Alternative, all of the environmental impacts projected to occur from the development of the Project would be avoided. Therefore, this Alternative would be environmentally superior to the Project. However, CEQA requires that if the environmentally superior alternative is the "no project" alternative, the EIR shall identify an environmentally superior alternative from among the other alternatives. (CEQA Guidelines, Section 15126.6(e)(2).)

Further, the No Project/No Build Alternative would not realize any of the Project objectives. Although the No Project/No Build Alternative would have fewer impacts than the Project, because this Alternative would not include a development program, it would not contribute to growth and development within the Hollywood Community and therefore, it would not satisfy any of the 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, for the reasons stated above, this Alternative is infeasible and less desirable than Modified Alternative 2, and is rejected.

References

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

Alternative 2—Primarily Residential Mixed-Use Alternative

Description

Alternative 2, the Primarily Residential Mixed-Use Alternative, is intended to determine whether elimination of the hotel use and reduction in commercial floor area would reduce the Project's VMT. The Primarily Residential Mixed-Use Alternative would include the two buildings (Building 1 and 2) and the same floor area as the Project. Building 1 would contain approximately 300,603 square feet of floor area and Building 2 would contain approximately 16,345 square feet of floor area. As with the Project, Alternative 2 would result in an FAR of 6.6:1. Building heights and mass, including the 20-story Building 1 (225 feet in elevation) and three-story Building 2 (47 feet maximum elevation) would be the same under both the Project and Alternative 2. Alternative 2 would increase the Project's residential units from 210 units to 271 units, eliminate all hotel rooms, and reduce the Project's commercial/restaurant floor area from 12,570 square feet to 5,120 square feet. Building 1 and Building 2 would provide 254 and 17 residential units, respectively. The combined mix of residential units in both Building 1 and Building 2 would consist of 132 one-bedroom units, 96 two-bedroom units, and 26 suites (2 bedroom units). All residential units would comply with the RSO.

All of the Project Design Features (PDFs) incorporated into the Project, all applicable regulatory compliance measures and Mitigation Measures implemented by the Project, and all other project components except as expressly provided in the EIR and these findings, would be incorporated and implemented, respectively, under Alternative 2.

Impact Summary

Under Alternative 2, impacts related to Noise (construction noise and vibration) would be significant and unavoidable with respect to human annoyance, although less than the Project. Alternative 2 would have similar impacts to the Project associated with Aesthetics and Visual Resources (views, scenic resources, regulations governing scenic quality, visual character and quality), Cultural Resources (historical resources), Energy, Geology and Soils (expansive soils), Hydrology and Water Quality (operation), Land Use, Public Services (Fire protection and EMS), Transportation (conflict with plans, programs, ordinances or policies, design hazards and emergency Access), Tribal Cultural Resources, and Utilities and Service Systems (energy infrastructure). However, Alternative 2 would increase the Project's less than significant impacts associated with Public Services (schools, parks and recreation and libraries greater than the Project) and Utilities and Service Systems (solid waste greater than the Project).

Benefits of Alternative 2 would include a reduction of the Project's less than significant impacts associated with Aesthetics (light and glare less than the Project), Air Quality (construction and operation emissions less than the Project), Archaeological Resources (less than the Project), Geology, Soils and Paleontological Resources (exacerbation of environmental conditions, unstable geologic units and paleontological resources less than the Project), GHG Emissions, Hydrology and Water Quality (construction impacts less than the Project), Noise (operation noise and vibration less than the Project), Population and Housing, Public Services (police protection less than the Project), Transportation (VMT impacts under CEQA Guidelines Section 15064.3, Subdivision (b) less than the Project), and Utilities and Service Systems (water and wastewater less than the Project).

Modified Alternative 2 is a slightly modified version of Alternative 2, and therefore, would similarly reduce impacts as compared to the Project. In addition, Modified Alternative 2 would further reduce impacts as compared to Alternative 2.

Finding

Pursuant to PRC Section 21081(a)(1), the City finds that changes or alterations have been required and incorporated into the Alternative 2 and Modified Alternative 2 that substantially lessen or avoid the significant impacts as identified in the EIR. In addition, pursuant to PRC Section 21081(a)(3), the City finds that the specific economic, legal, social, technological, or other considerations, make both Alternative 2, the Primarily Residential Mixed-Use Alternative, and Modified Alternative 2, feasible.

Rationale for Finding

Alternative 2 would develop the Project Site with a primarily residential mixed-use development. Specifically, Alternative 2 would increase the Project's residential units from 210 units to 271 units, eliminate all hotel rooms, and reduce the Project's commercial/restaurant floor area from 12,570 square feet to 5,120 square feet. All residential units under Alternative 2 would be subject to the RSO. Because Alternative 2 would increase the City's RSO housing stock and revitalize the character of the street where the Site is located, Alternative 2 would be fully consistent with certain Project Objectives, including: providing a diverse mix of dwelling units that appeal to a range of household sizes to help meet the critical demand for new housing in the Hollywood Community Plan area; increasing the City's stock of rent controlled units under the City's RSO through a project that provides 100 percent of its residential apartment units as RSO units; providing a right of return for residents of existing onsite residential apartment units subject to the Rent

Stabilization Ordinance; and revitalizing the streetscape surrounding the Project Site and encouraging pedestrian activity and bicycle use by creating a streetscape design that allows for outdoor café tables, parkway planters and bicycle parking within an overall landscape design that integrates the Project development into surrounding urban neighborhood. As stated, Alternative 2 would eliminate the Project's hotel use and reduce the Project's retail and restaurant floor area from a total 12,570 square feet to 5,120 square feet. As a result, Alternative 2 would only be partially consistent with Project Objectives addressing policies related to the provision of a hotel use and job creation, including: constructing an infill development that balances commercial and residential uses by providing a mix of retail, dining, multi-family residential and hotel uses that are complementary to existing uses in the area; redeveloping the underutilized Project Site within a Transit Priority Area with an economically viable and attractive, transit-oriented high-density, mixed-use development that combines residential uses with visitor-serving hotel and restaurant uses near existing transit; promoting local and regional mobility, greenhouse gas and air quality objectives to reduce vehicle miles traveled, reduce reliance on single-passenger vehicles and increase the use of public transit, and maximizing infill development by constructing a high-density residential, hotel and commercial/restaurant mixed-use development on a site within a designated Transit Priority Area that is located within one-quarter mile of key public transit facilities, including the Hollywood and Vine Red Line Station; and supporting job creation and increasing business opportunities within Los Angeles by developing the Project's hotel and commercial/restaurant uses on a site well-served by transit. Because Alternative 2 incrementally reduces several of the Project's environmental impacts, it would be considered the Environmentally Superior Alternative, as further described in this Section VII (Environmentally Superior Alternative) below.

Modified Alternative 2 is a slightly modified version of Alternative 2, and therefore, would similarly meet the project objectives as compared to Alternative 2. In addition, Modified Alternative 2 would further reduce impacts as compared to Alternative 2.

Alternative 3—No Commercial Zone Change, No High Density Residential, No Density Bonus Alternative

Description

Alternative 3, the No Commercial Zone Change, No High Density Residential, No Density Bonus Alternative, would provide 101 RSO residential units and eliminate the Project's hotel, retail, and restaurant uses. Development under Alternative 3 would be consistent with the three existing zoning designations over the Project Site, including C4-2D-SN and R4-2D in the west and central sector fronting Yucca Street and Argyle Avenue, and (Q)R3-1XL in the east sector fronting Yucca Street and Vista Del Mar Avenue, all of which allow multi-family residential development. The existing C4 and R4 zones permit multi-family uses up to the R4 density, which requires a minimum density of 400 square feet of lot area per unit. The R4-zoned sector has a total of 39,421.9 square feet of lot area; thus, allowing the construction of up to 98 residential units. The existing R3 zone in the east sector allows multifamily uses and requires a minimum of 800 square feet of lot area per unit. The R3-zoned sector of the Project Site contains 10,941.9 square feet, which allows up to 13 residential units. Although the current zoning designations of the Project Site allow up to 107 residential units to be developed without the need for additional approvals, Alternative 3 would provide a total of 101 residential units. Subtracting the Project Site's existing 43 RSO residential units, Alternative 3 would result in a net increase of 57 RSO residential units. No affordable housing is proposed under this Alternative. However, all units would be rental units and subject to the City's RSO requirements.

Building construction in the C4- and R4-zoned sectors would be four stories of Type III

construction and a single-story parking podium of Type 1 construction, for a total of five stories. The podium would provide parking for Alternative 3. In the R3 zones, the building would be tiered to meet the 1XL, 30-foot height constraint along Vista Del Mar Avenue. Alternative 3 would require approximately 123 automobile parking spaces, compared to a total of 436 provided by the Project. Alternative 3 would also require 83 bicycle parking spaces. Parking would be located in a one-level subterranean structure, with access provided from Argyle Avenue and Yucca Street. Alternative 3 would provide a gym and community lounge on Level 2 (above the podium) along with a pool and amenity deck facing south. Balconies would be provided for most units on all facades. Unlike the Project, no amenities would be provided on the roof deck. Because Alternative 3 proposes development consistent with the Project Site's designated zoning, the Project's requested approvals for a Zone Change and Height District Change would not be required. The FAR for Alternative 3 (averaged over the Project Site) would be approximately 1.98:1, compared to the Project's FAR of 6.6:1.

Impact Summary

Under Alternative 3, impacts related to Noise (construction noise and vibration) would be significant and unavoidable with respect to human annoyance, although less than the Project. Alternative 3 would have similar impacts to the Project associated with Aesthetics (regulations governing scenic quality), Air Quality (AQMP consistency), Historical Resources, Energy, Geology (expansive soils), Hydrology and Water Quality (operation), Transportation (conflict with plans, programs, ordinances or policies, design hazards, and emergency access), Tribal Cultural Resources, and Utilities and Service Systems (energy infrastructure). However, Alternative 3 would increase the Project's less than significant impacts associated with Land Use and Planning and Population and Housing.

Benefits of Alternative 3 would include a reduction of the Project's less than significant impacts associated with Aesthetics and Visual Resources (views, scenic resources, visual character and quality, and light and glare all less than the Project), Air Quality (construction and operation emissions less than the Project), Cultural Resources (Archaeological Resources less than the Project), Geology, Soils and Paleontological Resources (exacerbation of environmental conditions, unstable geological units and paleontological resources all less than the Project), GHG Emissions, Hydrology and Water Quality (construction), Noise (operation noise and vibration), Public Services (Fire protection and EMS, Police protection, schools, parks and recreation, and libraries all less than the Project), Transportation (VMT impacts under CEQA Guidelines Section 15064.3, Subdivision (b) less than the Project), and Utilities and Service Systems (water, wastewater and solid waste less than the Project).

Finding

Pursuant to PRC Section 21081(a)(3), the City finds that the specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.

Rationale for Finding

Alternative 3 would consist of 101 rental units, but would not incorporate commercial or hotel uses and, as such, would not represent a mixed-use development. The number of residential units provided under Alternative 3 would be less than one-half of the Project's proposed 210 residential units, and less than one-half of Modified Alternative 2's 270 units. However, because Alternative

3 would add to the City's stock of RSO units, it would be consistent with certain Project Objectives, albeit not to the same degree as the Project. These Project Objectives include: to provide a diverse mix of dwelling units that appeal to a range of household sizes to help meet demand for new housing in the area; to increase the stock of rent controlled units through a Project that provides 100 percent of its residential units as RSO; and to provide a right of return for residents of existing onsite apartment units subject to the RSO. Moreover, because Alternative 3 is not a mixed-use project and does not contain a commercial component, it fails to meet the remaining Project Objectives of: constructing an infill development that balances commercial and residential uses by providing a mix of retail, dining, multi-family residential and hotel uses that are complementary to existing uses in the area; redeveloping the underutilized Project Site at a density envisioned for a Transit Priority Area in the Regional Center and Hollywood Center designations on and surrounding the Project Site, with an economically viable and attractive transit-oriented high-density mixed-use development; promoting local and regional mobility, greenhouse gas and air quality objectives to reduce vehicle miles traveled, reduce reliance on single-passenger vehicles and increase the use of public transit, and maximizing infill development by constructing a high-density residential, hotel and commercial/restaurant mixed-use development on a site within a designated Transit Priority Area that is located within one-quarter mile of key public transit facilities, including the Hollywood and Vine Red Line Station; supporting job creation and increasing business opportunities within Los Angeles by developing the Project's hotel and commercial/restaurant uses on a site well-served by transit; and revitalizing the streetscape surrounding the Project Site and encouraging pedestrian activity and bicycle use by creating a streetscape design that allows for outdoor café tables, parkway planters, and bicycle parking within an overall landscape design that integrates the Project into the surrounding urban neighborhood.

Therefore, Alternative 3 would not meet the Project Objectives to the same extent as the Project, and is not an environmentally superior alternative to the Project. For the reasons stated above, the City finds that the No Commercial Zone Change, No High Density Residential, No Density Bonus Alternative is infeasible and less desirable than the Project, and rejects this Alternative.

References

For a complete discussion of impacts associated with Alternative 3, refer to Chapter V, *Alternatives*, of the Draft EIR.

Alternative 4—Primarily Office Mixed Use Alternative

Description

Alternative 4, the Primarily Office Mixed-Use Alternative, would consist of an approximately four-story commercial building (Building 1) in the West Parcel and a three-story, 13-unit condominium building (Building 2) in the East Parcel. The residential units would be intended for purchase and, as such, would not be RSO units. The West Parcel's commercial building would provide approximately 100,000 square feet of office space, 3,000 square feet of retail space, and 9,000 square feet of restaurant space. The total floor area of the commercial building would be approximately 112,000 square feet. The East Parcel, which comprises approximately 10,941.9 square feet, would be used for development of the residential component. The residential building would be similar to the Project's Building 2. The residential density (13 units) would be consistent with the existing R3 zone, which requires a minimum of 800 square feet of lot area per unit. Setbacks from lot lines would be similar to those of the Project and consistent with the respective zoning designation. The FAR for Alternative 4 (averaged over the Project Site) would be

approximately 3.81:1, compared to the Project's FAR of 6.6:1. Alternative 4 would require approximately 250 automobile parking spaces, compared to a total of 436 spaces required for the Project. Parking for Building 2 would be located within two levels of subterranean and a semi-subterranean parking level below Building 2, accessed from Vista Del Mar Avenue.

Impact Summary

Under Alternative 4, impacts related to Noise (construction noise and vibration) would be significant and unavoidable with respect to human annoyance, although less than the Project. Alternative 4 would have similar impacts to the Project associated with Aesthetics and Visual Resources (views, scenic resources, and regulations governing scenic quality), Air Quality (AQMP Consistency), Cultural Resources (historical resources), Energy, Geology and Soils (expansive soils), Hydrology and Water Quality (operation), Transportation (conflict with plans, programs, ordinances or policies, design hazards and emergency access), Tribal Cultural Resources, and Utilities and Service Systems (energy infrastructure). However, Alternative 4 would increase the Project's less than significant impacts associated with Land Use and Planning, Population and Housing, and Transportation (VMT impacts under CEQA Guidelines Section 15064.3, Subdivision (b)).

Benefits of Alternative 4 would include a reduction of the Project's less than significant impacts associated with Aesthetics and Visual Resources (visual character and quality and light and glare), Air Qualify (construction and operation emissions less than the Project), Cultural Resources (archaeological resources), Geology and Soils (exacerbation of environmental conditions, unstable geological units, and paleontological resources less than the Project), GHG Emissions, Hydrology and Water Quality (construction), Noise (operation noise and vibration less than the Project), Public Services (Fire protection and EMS, Police protection, schools, parks and recreation and libraries all less than the Project), and Utilities and Service Systems (energy infrastructure).

Finding

Pursuant to PRC Section 21081(a)(3), the City finds that the specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.

Rationale for Finding

Alternative 4 would develop the Project Site with a different mix of land uses than the Project, including 112,000 square feet of offices, 12,000 square feet of retail and restaurant uses, and 13 residential condominiums. Additionally, Alternative 4 would not provide replacement housing for the 44 demolished residential units currently occupying the Project Site, nor would it provide a hotel, increase residential densities in a Transit Priority Area, or be characterized by other features of the Project as reflected in the Project Objectives. Based on these features, the only Project Objective Alternative 4 is fully consistent with is the revitalization of the streetscape surrounding the Project Site, encouraging pedestrian activity and bicycle use by creating a streetscape design that allows for outdoor café tables, parkway planters and bicycle parking, integrating the Project development into the surrounding urban neighborhood. Because Alternative 4 does not include a hotel use, it is only partially consistent with the Project Objectives of maximizing infill development by constructing a high-density residential, hotel and commercial/restaurant mixed-use development within a Transit Priority Area, and increasing business opportunities within Los

Angeles by developing the Project's hotel and commercial uses on a site well-served by transit. Alternative 4 fails to meet the remaining Project Objectives, including: constructing an infill development that balances commercial and residential uses by providing a mix of retail, dining, multi-family residential and hotel uses that are complementary to the existing uses in the area; redeveloping the underutilized Project Site at a density envisioned for a Transit Priority Area in the Regional Center and Hollywood Center designations on and surrounding the Project Site, with an economically viable and attractive transit-oriented high-density mixed-use development; providing a diverse mix of dwelling units that appeal to a range of household sizes to help meet the critical demand for new housing in the Hollywood Community Plan area; increasing the City's stock of rent controlled units under the RSO through a project that provides 100 percent of its residential apartment units as RSO units; and providing a right of return for residents of existing onsite residential apartment units subject to the Rent Stabilization Ordinance.

Therefore, Alternative 4 would not meet the Project Objectives to the same extent as the Project, and is not an environmentally superior alternative to the Project. For the reasons stated above, the City finds that the Primarily Office Mixed-Use Alternative is infeasible and less desirable than the Project, and rejects this Alternative.

Reference

For a complete discussion of impacts associated with Alternative 4, refer to Chapter V, *Alternatives*, of the Draft EIR.

Project Alternatives Considered and Rejected

As set forth in CEQA Guidelines Section 15126.6(c), an EIR should identify any alternatives that were 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:

Industrial Alternative

Development of the Project Site with light or heavy industrial uses instead of the Project's proposed mix of residential, hotel, and commercial/restaurant uses was considered as an alternative; however, uses not consistent with the Project Site's underlying residential or commercial zones, such as light or heavy industrial uses, would not achieve the objectives of the Project and would not be appropriate within the context of the surrounding commercial and residential community. Further, an industrial use would not be consistent with the density envisioned for the General Plan's Regional Center and Hollywood Center designations of the Project Site and vicinity. Therefore, the City rejected this alternative from further consideration in the EIR.

Single-Family Residential Alternative

Development of the Project Site with single-family homes instead of the Project's proposed mix of residential, hotel, and commercial/restaurant uses was considered as an alternative; however, single-family residential uses would not fulfill any of the Project's objectives to increase density on an underutilized site within a TPA and would result in a net reduction of housing compared to the existing 43 multi-family units and one single-family residence on the Project Site. Further, a single-family use would not be consistent with the density envisioned for the General Plan's

Regional Center and Hollywood Center designations of the Project Site and vicinity. Therefore, the City rejected this alternative from further consideration in the EIR.

Environmentally Superior Alternative

Section 15126.6(e)(2) of the CEQA Guidelines states 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 151126.6(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.

The Draft EIR analyzed a range of feasible Alternatives including (1) the No Project/No Build Alternative, (2) the Primarily Residential Mixed-Use Alternative, (3) the No Commercial Zone Change, No High Density Residential, No Density Bonus Alternative, and (4) the Primarily Office Mixed-Use Alternative. A comparative summary of the environmental impacts anticipated under each Alternative to the environmental impacts associated with the Project is provided in Table V-13, *Comparison of Impacts Associated with the Alternatives and the Project*, on pages V-106 through V-109 of Chapter V, *Alternatives* of the Draft EIR.

Alternative 2 – Environmentally Superior Alternative

In accordance with the State CEQA Guidelines requirement to identify an environmentally superior alternative other than the No Project/No Build Alternative, Alternative 2 is selected from among the alternatives evaluated in the Draft EIR as the Environmentally Superior Alternative, since it would incrementally reduce several of the Project's environmental impacts and would be substantially consistent with the Project Objectives, particularly with respect to City policies regarding concentration of development within Regional Centers and TPAs for the purpose of reducing VMT.

Furthermore, regarding social and other considerations, the Project Site is located in an area of the City that is undergoing change and densification. The development trends in the vicinity of the Project Site are maximizing zoning and density because the area is located in an area with access to transit and located near job centers and other amenities. Thus, there are several social and other considerations that warrant increasing the density of development on the Project Site to implement a mixed-use, mixed-income residential and commercial/retail project that can deliver the amount and type of housing and amenities desired by the City to support citywide housing goals, including an increase in rent-stabilized housing and affordable housing at the Project Site. The City further finds that Modified Alternative 2 further reduces impacts as compared to Alternative 2, and is substantially consistent with the Project Objectives in the same manner and for the same reasons as Alternative 2.

VIII. OTHER CEQA CONSIDERATIONS

Significant Unavoidable Impacts

Section 15126.2(b) of the CEQA Guidelines requires that an EIR describe any significant impacts, including those that can be mitigated but not reduced to a level of insignificance. As evaluated in Chapter IV, *Environmental Impact Analysis*, of the Draft EIR and summarized below, implementation of the Original Project and of Modified Alternative 2 may result in project-level

significant and unavoidable impacts related to on-site construction noise and groundborne vibration and noise impacts related to human annoyance and cumulative impacts related to on-site construction noise and off-site traffic-related noise. All other impacts associated with Modified Alternative 2 are either less than significant without the need for mitigation, or are reduced with mitigation to less than significant.

Significant Irreversible Environmental Changes

According to Section 15126.2(d) of the CEQA Guidelines, an EIR is required to address any significant irreversible environmental changes that would occur should the proposed project be implemented.

Development of Modified Alternative 2 requires a commitment of resources that include: (1) building materials, (2) fuel and operational materials/resources, and (3) the transportation of goods and people to and from the Project Site. Construction requires the consumption of resources that are non-replenishable or may renew so slowly as to be considered non-renewable. These resources 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 will 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.

Operation of Modified Alternative 2 will 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 represent the primary energy source associated with both construction and ongoing operation of Modified Alternative 2, and the existing, finite supplies of these natural resources will be incrementally reduced.

At the same time, through its densification of development within the TPA, Modified Alternative 2 supports a land use pattern that reduces reliance on private automobiles, and thereby reduces vehicle miles traveled and the consumption of non-renewable resources when considered in a larger context. Most notably, Modified Alternative 2 provides high-density housing along a mixed-use corridor containing commercial, restaurant, office, and entertainment activities. The Project Site is located within a City-designated TPA and SCAG-designated High Quality Transit Area, and an area identified as preferred for high-density development to reduce vehicle miles traveled and related consumption of renewable resources, among other goals. Given its location, Modified Alternative 2 supports pedestrian access to a considerable range of employment, retail and entertainment activities. Modified Alternative 2 also provides excellent access to the regional transportation system as it is located in proximity to the Metro Red Line station and numerous regional and local Metro bus lines and LADOT DASH bus lines. These factors contribute to a land use pattern that is considered to reduce the consumption of non-renewable resources.

Furthermore, Modified Alternative 2 includes design features and is subject to building regulations that reduces the demands for energy resources needed to support its operation. Modified Alternative 2 complies with the Los Angeles Green Building Code and 2016 CALGreen Code and achieves the equivalent of the USGBC LEED Silver Certification under the LEED v4 rating system. Modified Alternative 2 incorporates measures and performance standards to support its LEED Silver Certification, which include but are not limited to the following: implementation of a construction waste management plan; exceeding Title 24 (2016) Building Standards Code

requirements to reduce building energy costs by a minimum of 5 percent; providing solar panels; use of high-efficiency fixtures and appliances and other water conservation features; drought tolerant landscaping; dedicated on-site recycling area; and implementation of a transportation demand management program (TDM). As shown in Section 4.F, *Greenhouse Gas Emissions*, Modified Alternative 2 results in a less than significant GHG impact with the reductions specified above. In addition, Modified Alternative 2 results in a less than significant impact with respect to consistency with applicable plans, policies, or regulations to reduce GHG emissions.

Modified Alternative 2's continued use of non-renewable resources will be on a relatively small scale and is 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. Furthermore, Modified Alternative 2 neither affects access to existing resources, nor interferes with the production or delivery of such resources. The Project Site contains no energy resources that will be precluded from future use through implementation of Modified Alternative 2. Modified Alternative 2's irreversible changes to the environment related to the consumption of nonrenewable resources are not significant.

Growth-Inducing Impacts

Section 15126.2(e) of the CEQA Guidelines requires an EIR to discuss the ways a proposed project could foster economic or population growth or the construction of additional housing, directly or indirectly, in the surrounding environment. Growth-inducing impacts include the removal of obstacles to population growth (e.g., the expansion of a wastewater treatment plant allowing more development in a service area) and the development and construction of new service facilities that could significantly affect the environment individually or cumulatively. In addition, pursuant to CEQA, growth must not be assumed as beneficial, detrimental, or of little significance to the environment.

Modified Alternative 2 redevelops a site that currently includes 43 multi-family residential units and associated garages, one single-family residential unit and a paved surface parking lot with one mixed-use 30-story building with a total of 269 new residential dwelling units and 7,760 square feet of ground-level retail and restaurant space. The new development is located within the Hollywood area of Los Angeles identified in the General Plan Framework Element and Hollywood Community Plan as a Regional Center Commercial (West and Center Parcels fronting Yucca Street) and Medium Density Residential (East Parcels fronting Vista Del Mar). The Project Site is also located in an area designated in the Hollywood Redevelopment Plan for revitalization. The Project Site is further located within an area designated by the City as a TPA, which anticipates the densification of land uses within proximity to transit. As such, development of the type the Project provides has been anticipated and identified by the City as expected growth. Modified Alternative 2 includes a mix of uses that are compatible with adjacent uses and are representative of the type of development anticipated in the area. As described in the Initial Study (Appendix A-2 of the Draft EIR), added population or FAR that will occur as a result of Modified Alternative 2's implementation represents a small component of population growth in the vicinity of the Project Site, and is consistent with the development anticipated in the General Plan, Hollywood Community Plan, and Hollywood Redevelopment Plan. Modified Alternative 2's new development is within the range of development anticipated within the established SCAG regional forecast for the City of Los Angeles and Hollywood Community Plan area. Modified Alternative 2 does not induce population increases or growth in residential density outside of the Project Site.

The Project Site is located in an urbanized area that is already served by existing infrastructure (e.g., roads and utilities), and community service facilities. Modified Alternative 2's only off-site

infrastructure improvements consist of tie-ins to the existing utility mainlines already serving the Project Site area. Modified Alternative 2 does not develop new roads or require the construction of off-site infrastructure that provide additional infrastructure capacity for other future development. Modified Alternative 2 does not open inaccessible sites to new development other than existing opportunities for development that are already available.

Therefore, Modified Alternative 2 does not spur additional growth other than that already anticipated and does not eliminate impediments to growth. Consequently, Modified Alternative 2 does not foster growth inducing impacts.

Potential Secondary Effects

Section 15126.4(a)(1)(D) of the CEQA Guidelines requires that mitigation measures be discussed in less detail than the significant effects of the proposed project if the mitigation measure(s) cause one or more significant effects in addition to those that are caused by the project as proposed. The analyses of the impacts in Chapter IV, *Environmental Impact Analysis*, of the Draft EIR, as modified by Chapter 3, *Revisions, Clarifications and Corrections*, of the Final EIR, identify mitigation measures for several environmental topics, which are stated below. The following provides a discussion of the potential secondary effects that could occur as a result of implementation of these required mitigation measures. For the reasons stated below, it is concluded that these mitigation measures would not result in significant secondary impacts.

Air Quality

Mitigation Measure MM-AQ-1 requires the use off-road diesel-powered construction equipment that meets the CARB and USEPA Tier 4 Final off-road emissions standards for equipment rated at 50 hp or greater during construction. Also, the mitigation measure requires that to the extent possible, pole power shall be made available for use with electric tools, equipment, lighting, etc. Because these requirements would apply only to construction equipment activities used within and immediately adjacent to the Project Site, it would not result in secondary environmental effects at neighboring properties or within the broader community.

Cultural Resources

Mitigation measures MM-ARCH-1 through MM-ARCH-3 provide for the appropriate treatment and/or preservation of resources if encountered and, as such, no substantial adverse change is caused in the significance of an archaeological resource. The implementation of these mitigation measures only occurs within the Project Site and does not result in secondary environmental effects at neighboring properties or within the broader community.

Geology and Soils

Mitigation measures MM-PALEO-1 through MM-PALEO-3 provide for avoidance and recovery of resources if an inadvertent encounter were to occur. These measures, which reduce potentially significant impacts to paleontological resources to less than significant levels, occur only within the Project Site and do not result in secondary environmental effects at neighboring properties or within the broader community.

Noise

Mitigation measure MM-NOI-1 requires temporary on-site construction noise barriers (fencing).

The fencing is confined to the Project Site and will not result in secondary environment effects at neighboring properties or within the broader community. The mitigation measure reduces adverse environmental effects and does not result in secondary effects at neighboring properties or within the broader community.

Mitigation measure MM-NOI-2 establishes fixed and mobile equipment noise control procedures to be followed during construction to avoid noise impacts at sensitive receptors. This measure prohibits blasting, jack hammers or pile drivers, requires the use of only electric power crane(s) and other electric equipment if commercially available, and limits unnecessary idling of equipment. Because these procedures apply only to construction equipment used within the Project Site, it will not result in secondary environmental effects at neighboring properties or within the broader community.

Mitigation measure MM-NOI-3 prohibits heavy construction equipment such as a large dozer, a large grader, and a large excavator from operating within 15 feet of the nearest single-family residential building adjacent to the Project Site along Vista Del Mar Avenue. A construction relations officer must serve as a liaison with the nearest single-family residential building to respond to concerns regarding construction vibration within 24 hours of receiving a complaint. The liaison ensures that steps will be taken to reduce construction vibration levels as deemed appropriate and safe by the on-site construction manager. The implementation of this measure, which reduces vibration impacts to less than significant levels, applies only to the construction site and does not result in secondary environmental effects at neighboring properties or within the broader community.

Mitigation Measure MM-NOI-4 requires the services of a qualified professional to inspect and document the apparent physical condition of the residential buildings along Vista Del Mar Avenue and the services of a qualified acoustical engineer to review proposed construction equipment and develop and implement a groundborne vibration monitoring program capable of documenting the construction-related groundborne vibration levels at each residence during demolition, excavation, and construction of the parking garages. Monitoring will be conducted at a feasible location between the Project Site and the residential buildings along Vista del Mar Avenue adjacent to the Project Site as near to the adjacent residential structures as possible. The purpose of MM-NOI-4 is to protect adjacent buildings from vibration damage and does not involve additional actions off the Project Site that will result in secondary environmental effects at neighboring properties or within the broader community.

Mitigation Measure MM-NOI-5 mitigates the noise generated by the emergency generator located in Level P1 and used in the event of a power outage for emergency safety lighting and other emergency needs. MM-NOI-5 requires the installation of a sound enclosure and/or equivalent noise-attenuating features (i.e., mufflers) around the emergency generator. The enclosure, which provides approximately 25 dBA noise reduction, requires documentation prepared by a noise consultant verifying compliance with this measure at Plan Check. The implementation of this measure applies only to the Project Site and does not result in secondary environmental effects at neighboring properties or within the broader community.

Transportation and Traffic

Mitigation Measure MM-TRAF-1 requires implementation of a comprehensive Transportation Demand Management (TDM) Program to promote non-auto travel and reduce the use of single-occupant vehicle trips. The TDM Program is subject to review and approval by the City Department of Planning and LADOT. The TDM Program includes the provision of unbundled

parking for residents and the provision of promotions and marketing to encourage alternative modes of transportation to employees and residents. MM-TRAF-1 also provides other measures that could be included, such as accommodating flexible/alternative work schedules and telecommuting programs, provide a program to discount transit passes for residents/employees, providing rideshare matching services and/or participation in the future Hollywood Transportation Management Organization (TMO), when operational. The TDM Program is intended to reduce the impact of traffic from employees and residents at the Project Site during the most congested time periods of the day. Because this measure applies only to the Project Site's occupants and reduces the number of vehicles on adjacent streets, it does not result in secondary environmental effects at adjacent streets or highways or within the broader community.

IX. STATEMENT OF OVERRIDING CONSIDERATIONS

The EIR identifies the following unavoidable significant impacts regarding noise during construction: project-level and cumulative on-site noise during construction, project-level groundborne vibration and groundborne noise impacts related to human annoyance during construction, and cumulative off-site traffic-related noise during construction. All other impacts associated with Modified Alternative 2 would either be less than significant without the need for mitigation, or less than significant after implementation of mitigation.

Section 21081 of PRC and Section 15093(b) of the CEQA Guidelines provide that when a lead agency approves a project with significant impacts identified in a Final EIR that are not avoided or substantially lessened, the lead agency must state in writing the specific reasons supporting its decision based on the Final EIR and/or other information in the record. Article I of the City's CEQA Guidelines incorporates all of the CEQA Guidelines contained in Title 15, California Code of Regulations, Sections 15000 et seq., and thereby requires, pursuant to Section 15093(b) of the CEQA Guidelines, that the decision-maker adopt a Statement of Overriding Considerations at the time a project is approved if the decision-maker finds that significant adverse environmental effects identified in the final EIR cannot be substantially lessened or avoided. These Findings and this Statement of Overriding Considerations are based on substantial evidence in the record, including but not limited to the Draft and Final EIR, the source references in the Draft and Final EIR, and other documents and material that constitute the record of proceedings.

Accordingly, the City adopts the following Statement of Overriding Considerations. The City recognizes that significant and unavoidable impacts will result from implementation of Modified Alternative 2. Having: (i) adopted all feasible mitigation measures, (ii) considered but rejected as infeasible all alternatives with the exception of Alternative 2, which was further modified as Modified Alternative 2 and put forward by the applicant for the City's consideration as the project to be approved; (iii) recognized all significant, unavoidable impacts; and (iv) balanced the benefits of Modified Alternative 2 against its significant and unavoidable impacts, the City hereby finds that the each of the Modified Alternative 2's benefits, as listed below, outweighs and overrides the significant unavoidable impacts of Modified Alternative 2.

Summarized below are the benefits, goals and objectives of Modified Alternative 2. These provide the rationale for its approval. Any one of the overriding considerations of economic, social, aesthetic and environmental benefits individually is sufficient to outweigh the significant unavoidable impacts of Modified Alternative 2 and justifies the approval, adoption or issuance of all of the required permits, approvals and other entitlements for Modified Alternative 2 and the certification of the completed Final EIR. Despite the unavoidable project- level and cumulative on-site construction noise impacts, the project-level groundborne vibration and groundborne noise impacts related to human annoyance during construction, and the cumulative traffic-related

off-site noise impacts caused by Modified Alternative 2, the City approves Modified Alternative 2 based on its following contributions to the community:

- **Site Redevelopment.** The Project substantially improves the existing conditions on the Project Site, transforming the site into a mixed-use residential tower, incorporating a pedestrian-oriented building design, providing a ground-level outdoor public open space and improved streetscape, improving security and building lighting, and including architectural design that would enhance the aesthetic 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 in the Hollywood Community Plan.
- **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 271 residential units. In addition, the Project would increase the City's stock of affordable housing units by to providing 17 Very Low-Income affordable units, and would increase the number of rent controlled units by under the City's Rent Stabilization Ordinance (RSO) by increasing number of RSO units at the Project Site by 209 units. Hence, the Project is a substantial benefit for the City by significantly enhancing the stock of housing units, including affordable and rent controlled units, in the Hollywood Community Plan area.
- **Employment and Tax Revenue.** The Project would provide over $100 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[2]. Moreover, the Project would provide economic benefits for the City as it would generate net new City revenues annually, such as sales tax, property tax and business tax revenues. 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 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) Silver certification.
- **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 Hollywood Station, serving the B Line (Red Line), and in the core of the Hollywood regional center. In these respects, the Project is consistent with

[2] As referenced on Page II-30 of the Draft EIR and in Draft EIR Appendix G, the Project is a certified Environmental Leadership Development Project under state law AB 900, which includes certification that the Project would result in at least a $100 million in economic investment in the state, provide high-wage, highly skilled jobs, qualify for LEED Silver certification, to be located on an infill site, and to meet stringent energy and transportation efficiency standards.

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.

X. GENERAL CEQA FINDINGS

- The City, acting through the Department of City Planning is the "Lead Agency" for the Project evaluated the EIR. The City finds that the EIR was prepared in compliance with CEQA and the CEQA Guidelines. The City finds that it has independently reviewed and analyzed the EIR for Modified Alternative 2, that the Draft EIR, which was circulated for public review, reflects its independent judgment and that the Final EIR reflects the independent judgment of the City.

- The EIR evaluates the following potential project-level and cumulative environmental impacts: Aesthetics; Air Quality; Cultural Resources; Energy, Geology and Soils; Greenhouse Gas Emissions; Hydrology and Water Quality; Land Use and Planning; Noise; Population and Housing; Public Services (Fire, Police, Parks and Recreation, Schools, Libraries); Transportation; Tribal Cultural Resources, and Utilities (water, wastewater, solid waste, energy infrastructure). Additionally, the EIR considers Growth Inducing Impacts and Significant Irreversible Environmental Changes. The significant environmental impacts of Modified Alternative 2, a reasonable range of alternatives and feasible mitigation measures are identified in the EIR.

- 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 Modified Alternative 2. The public review period provided all interested jurisdictions, agencies, private organizations, and individuals the opportunity to submit comments regarding the Draft EIR. The Final EIR was prepared after the review period and responds to comments made during the public review period.

- Textual refinements were compiled and Project refinements were made 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 and each refinement to Modified Alternative 2 associated with its review. These textual and Project refinements occurred for a variety of reasons. First, it is inevitable that draft documents would contain errors and would require clarifications and corrections. Second, Project refinements occurred as a result of the public participation process, and textual clarifications were required in order to describe those refinements.

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

- The Final EIR provides additional information that was not included in the Draft EIR. Having reviewed the information contained in the Draft EIR, the Final EIR, and in the

administrative record, as well as the requirements of CEQA and the CEQA Guidelines regarding recirculation of Draft EIRs, the City finds that there are no new significant impacts, no substantial increases in the severity of previously disclosed impacts, significant information in the record of proceedings or other criteria under CEQA that would require recirculation of the Draft EIR, or preparation of a supplemental or subsequent EIR.

- In response to concerns raised by the community in comments on the Draft EIR, the Modified Alternative 2 project was analyzed in the Final EIR and implemented to preserve two existing residential structures on the Project Site that are within the Vista Del Mar Carlos Historic District and enhance the District by replacing a surface parking lot within the District with a landscaped public open space area. Though these residential structures are found to be non-contributors to the District, their preservation by the Modified Alternative 2 Project results in a development that is more sensitive to, and results in lesser impacts to, the Historic District.

Specifically, the City finds that:

  - The Responses To Comments contained in the Final EIR fully consider and respond 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 or Modified Alternative 2 would result in changed circumstances, significant new information, considerably different mitigation measures, or new or more severe significant impacts than were discussed in the Draft EIR.

  - The City has thoroughly reviewed the public comments received regarding the Project and the Final EIR as they relate to the Project and Modified Alternative 2 to determine whether, under the requirements of CEQA, any of the public comments provide substantial evidence that would require recirculation of the EIR prior to its adoption, and has determined that recirculation of the EIR is not required.

  - None of the information submitted after publication of the Final EIR, including testimony at the public hearings on the Project, constitutes significant new information or otherwise requires preparation of a supplemental or subsequent EIR. The City does not find this information and testimony to be credible evidence of a significant impact, a substantial increase in the severity of an impact disclosed in the Final EIR, or a feasible mitigation measure or alternative not included in the Final EIR.

  - As demonstrated in the Final EIR, the refinements to the Project following publication of the Draft EIR do not result in a new significant impact, a substantial increase in the severity of an impact disclosed in the Draft EIR, or otherwise require recirculation of the Draft EIR.

- The mitigation measures identified for the Project were included in the Draft EIR and, as revised, in the Final EIR. As revised, the final mitigation measures for Modified Alternative 2 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.

- CEQA requires the Lead Agency approving a project to adopt a MMP for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment, that is designed to ensure compliance during Project implementation. The MMP includes all of the mitigation measures adopted by the City in connection with the approval of the Project and, in addition, all of the Project Design Features incorporated into the Project, and has been designed to ensure compliance with such measures and features during implementation of the Project. In accordance with CEQA, the MMP provides the means to ensure that the mitigation measures and Project Design Features are fully enforceable. In accordance with the requirements of Public Resources Code Section 21081.6, the City hereby adopts the MMP.

- In accordance with the requirements of Public Resources Section 21081.6, the City hereby adopts each of the mitigation measures expressly set forth herein as conditions of approval for the Project.

- The custodian of the documents or other material which constitute the record of proceedings upon which the City's decision is based is the City Department of City Planning.

- 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.

- 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.

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

- The City finds that none of the public comments to the Draft EIR or subsequent public comments or other evidence in the record, including any refinements in the Project in response to input from the community and the Council Office, includes or constitutes substantial evidence that requires recirculation of the Draft or Final EIR prior to its certification and that there is no substantial evidence elsewhere in the record of proceedings that would require substantial revision of the Draft or Final EIR prior to its certification, and that neither the Draft EIR nor the Final EIR need to be recirculated prior to certification.

FINDINGS OF FACT (SUBDIVISION MAP ACT)

In connection with the approval of Vesting Tentative Tract Map No. 73718, 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 Los Angeles Municipal Code ("LAMC"). The Vesting Tract Map has been filed for the merger and resubdivision of the Project Site into one master ground lot for condominium purposes and five airspace lots for a mixed-use development, on an approximately .90-acre (39,375 square foot) portion of the site for a maximum of 271 residential units and up to 7,760 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 regulations applicable to the subject property.

The Land Use Element of the General Plan consists of the 35 Community Plans within the City of Los Angeles. The Community Plans establish goals, objectives, and policies for future developments at a neighborhood level. Additionally, through the Land Use Map, the Community Plan designates parcels with a land use designation and zone. The Land Use Element is further implemented through the LAMC. The zoning regulations contained within the LAMC regulates, but is not limited to, the maximum permitted density, height, parking, and the subdivision of land.

The 1.16-acre project site is located within the adopted Hollywood Community Plan area and is comprised of seven lots, commonly referred to herein as the West Parcel, Center Parcel, and East Parcel. The Community Plan designates the West Parcel and Center Parcel for Regional Center Commercial land use and the East Parcel for Multiple Family Medium Residential land use. According to the Community Plan, corresponding zones for the Regional Center Commercial designation include C2, C4, P, PB, RAS3 and RAS4. The corresponding zoning designation for Medium Residential is R3.

The West Parcel is zoned C4-2D-SN, which allows for commercial and residential uses, consistent with the R5 zone. The Height District 2 allows unlimited building height with a maximum FAR of 6:1. The Development Limitation, which provides a project shall not exceed a 2:1 FAR, unless certain approvals are obtained. The Center Parcel is zoned R4-2D, which permits a density of 400 square feet of lot area per dwelling unit. The current R4 zoning is not consistent with the Center Parcel's Regional Center Commercial General

Plan land use designation. The East Parcels are zoned [Q] R3-1XL. The R3 zone permits a density of 800 square feet of lot area per dwelling unit. Height District 1XL limits building height to 30 feet with a maximum FAR of 3:1. The Q condition limits residential density to a maximum of one dwelling unit for each 1,200 square feet of lot area.

The Project Site is improved with one single-family residence, one duplex with a detached garage, and three, two-story apartment buildings with associated carports and paved surface parking areas. Under the proposed Modified Alternative 2, the three multi-family apartment buildings located along Yucca Avenue would be demolished and removed to allow for the redevelopment of the site, while the two existing one- and two-story single-family buildings (1765 and 1771 Vista Del Mar Avenue) would be retained. Modified Alternative 2 consists of a mixed-use development, with up to 316,948 square feet of floor area, within a new 30-story tower, referred to herein as Building 1. The proposed Building 1 would include up to 269 multi-family residential units (17 of which would be set aside for Very Low Income households) and approximately 7,760 square feet of commercial/restaurant uses. The existing residence at 1771 Vista Del Mar Avenue would remain as a single-family use and the residence at 1765 Vista Del Mar Avenue, which currently contains three residential units, will be converted back to a single-family use. Five levels of subterranean and above-ground automobile parking would be located within the podium structure of Building 1 and surface parking would be provided for the two single-family residences. The proposed merger and resubdivision of the Project Site into one master ground lot for condominium purposes and five airspace lots for a mixed-use development, on an approximately .90-acre (39,375 square foot) portion of the site 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.

The General Plan Framework Element describes Regional Centers as focal points for regional commerce, identity, and activity with higher density developments whose form is differentiated from the lower-density neighborhoods of the city. Regional Centers fall under the range of 1.5:1 to 6:1 FAR and are characterized by buildings ranging from six-to 20-story buildings or higher. Their densities and functions support the development of a comprehensive and interconnected network of public transit and services. The requested subdivision actions allows for the orderly arrangement of buildings on the site, flexibility in ownership and operation of the proposed commercial establishments, and allows for density height, and floor area arrangement which allows for Modified Alternative 2, which meets the goals of the General Plan and Hollywood Community Plan by providing mixed-use, mixed-income project, which provides new housing units, commercial space, in addition to preserving the two non-contributing structures located on Vista Del Mar Avenue.

In conjunction with the Vesting Tentative Tract Map for Modified Alternative 2 (stamp dated July 27, 2020), the applicant is requesting a Zone Change and Height District Change, a Density Bonus Compliance Review with an On-Menu incentive to increase the allowable FAR by 10%, Site Plan Review, and a Master Conditional Use Permit for the sale of Alcoholic Beverages and Live Entertainment/Dancing, which, if approved, would allow the proposed development. If not approved, the subdivider shall submit a tract map modification.

Therefore, as conditioned, the proposed Vesting Tract Map 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”). LAMC Section 17.06 B and 17.15 lists the map requirements for a tentative tract map and vesting tentative tract map. The map provides the required components of a tentative tract map.

The vesting tentative tract map design includes the merger and resubdivision of the Project Site into one master ground lot for condominium purposes and five airspace lots for a mixed-use development, on an approximately .90-acre (39,375 square foot) portion of the site. Modified Alternative 2 consists of a mixed-use development, with up to 316,948 square feet of floor area, within a new 30-story tower, referred to herein as Building 1. The proposed Building 1 would include up to 269 multi-family residential units (17 of which would be set aside for Very Low Income households) and approximately 7,760 square feet of commercial/restaurant uses. The existing residence at 1771 Vista Del Mar Avenue would remain as a single-family use and the residence at 1765 Vista Del Mar Avenue, which currently contains three residential units, will be converted back to a single-family use. Five levels of subterranean and above-ground automobile parking would be located within the podium structure of Building 1 and surface parking would be provided for the two single-family residences.

The design and layout of the map is consistent with the design standards established by the Subdivision Map Act and Division of Land Regulations of the Los Angeles Municipal Code. Several public agencies (including the Bureau of Engineering, Department of Building and Safety, Grading Division and Zoning Division, and Bureau of Street Lighting) have reviewed the map and found the subdivision design satisfactory, and have imposed improvement requirements and/or conditions of approval.

Pursuant to the letter dated August 13, 2020, Bureau of Engineering requires sidewalk easements along Argyle Avenue and Yucca Street, and only requires dedications and

improvements along Vista Del Mar if the map stamp dated May 14, 2020 is approved. Sewers are available and have been deemed adequate in accommodating the proposed project's sewerage needs, subject to conditions of approval. 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.

The Community Plan designates the West Parcel and Center Parcel for Regional Center Commercial land use and the East Parcel for Multiple Family Medium Residential land use. According to the Community Plan, corresponding zones for the Regional Center Commercial designation include C2, C4, P, PB, RAS3 and RAS4. The corresponding zoning designation for Medium Residential is R3. The vesting tentative tract map design includes the merger and resubdivision of an approximately .90-acre (39,375 square foot) portion of the total 1.16 acre project site. The R3 portion of the project site will not be further subdivided and therefore, the lot configurations will not change. The remainder of the project site, which is approximately .90 acres will be subdivided into one master ground lot for condominium purposes and five airspace lots for a mixed-use development (Modified Alternative 2). The R4 Zone requires a minimum lot size of 5,000 square feet and a minimum lot width of 50 feet. The C4 Zone requires the same minimum lot size, and lot width as the R4 Zone. The lot area of the .90 acre portion of the project site being subdivided for Modified Alternative 2 is approximately 39,375 square feet, with a lot width of approximately 275 feet. 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.

In conjunction with the Vesting Tentative Tract Map, the applicant is requesting a Zone Change and Height District Change, a Density Bonus Compliance Review with an On-Menu incentive to increase the allowable FAR by 10%, Site Plan Review, and a Master Conditional Use Permit for the sale of Alcoholic Beverages and Live Entertainment/Dancing, which, if approved, would allow the proposed development. If not approved, the subdivider shall submit a tract map modification. Upon approval of the entitlement requests, and as conditioned therein, the design and improvement of the proposed subdivision would be consistent with the intent and purpose of the General Plan.

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

The Project Site is improved with one single-family residence, one duplex with a detached garage, and three, two-story apartment buildings with associated carports and paved surface parking areas. Under the proposed Modified Alternative 2, the three multi-family apartment buildings located along Yucca Avenue would be demolished and removed to allow for the redevelopment of the site, while the two existing one- and two-story single-family buildings (1765 and 1771 Vista Del Mar Avenue) would be retained. Modified Alternative 2 consists of a mixed-use development, with up to 316,948 square feet of floor area, within a new 30-story tower, referred to herein as Building 1. The proposed Building 1 would include up to 269 multi-family residential units (17 of which would be set aside for Very Low Income households) and approximately 7,760 square feet of commercial/restaurant uses. Five levels of subterranean and above-ground automobile

parking would be located within the podium structure of Building 1 and surface parking would be provided for the two single-family residences.

The topography of the Project Site slopes downhill away from Yucca Avenue. The Project Site is located within an urbanized area, and is not located in a Methane Zone, Very High Fire Hazard Severity Zone, or landslide area. The Project Site is also located within an Official Alquist-Priolo Earthquake Fault Zone that was established (November 6, 2014) by the California Geological Survey for the Hollywood fault (on the USGS 7.5 minute Hollywood Quadrangle). The investigation included a transect of CPI soundings and continuous core borings in the west portion of the site and an exploration trench along the western edge. Additional exploration was conducted to address the Department correction letter dated 09/17/2014, which included three continuous core borings, three bucket auger borings and a trench just east of the site. Dr. Roy Shlemon (an expert in soil stratigraphy, age-dating of soils and assessment of geologic hazards) provided a detailed soil stratigraphic/pedological analysis by to estimate the age of the soil horizons encountered in the recent trench. Data from off-site projects investigated by Group Delta were also used for the geologic analysis of the site. No active (Holocene) faults were observed on the site or nearby the site. Therefore, no building restrictions were recommended by Group Delta.

The tract has been approved contingent upon the satisfaction of the Department of Building and Safety, Grading Division prior to the recordation of the map and issuance of any permits. Pursuant to the Department of Building and Safety, Grading Division issued a letter dated February 20, 2015 the referenced reports are acceptable, provided the conditions incorporated herein are complied with during site development. The Department of Building and Safety, Grading Division issued a subsequent letter dated October 24, 2019 based on additional reports that were submitted. The 2019 letter stated that the previous reference reports provided geologic investigations to assess potential faulting at the site and that no active faults were found and the potential for fault-related ground rupture is low. The current report the 2019 letter was based on addresses other potential geologic hazards and concludes that the proposed development is feasible. General geotechnical recommendations are provided, including those for foundations and shoring. However, the report acknowledges that a design-level geotechnical investigation is required when final plans are available. The referenced report is acceptable, provided the conditions incorporated herein are complied with during site development.

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 standards for density are applied to sites throughout the city and are allocated based on the type of land use, physical suitability, and future population growth expected to occur.

The vesting tentative tract map design includes the merger and resubdivision of an approximately .90-acre (39,375 square foot) portion of the total 1.16 acre project site. The R3 portion of the project site will not be further subdivided and therefore, the lot configurations will not change. The remainder of the project site, which is approximately .90 acres will be subdivided into one master ground lot for condominium purposes and five airspace lots for a mixed-use development (Modified Alternative 2). The Community Plan designates the Project Site for Regional Center Commercial land use and Multiple Family Medium Residential land use. According to the Community Plan, corresponding zones for the Regional Center Commercial designation include C2, C4, P, PB, RAS3 and RAS4. The corresponding zoning designation for Medium Residential is R3.

The West Parcel is zoned C4-2D-SN, which allows for commercial and residential uses, consistent with the R5 zone. The Height District 2 allows unlimited building height with a maximum FAR of 6:1. The Development Limitation, which provides a project shall not exceed a 2:1 FAR, unless certain approvals are obtained. The Center Parcel is zoned R4-2D, which permits a density of 400 square feet of lot area per dwelling unit. The current R4 zoning is not consistent with the Center Parcel's Regional Center Commercial General Plan land use designation. The East Parcels are zoned [Q] R3-1XL. The R3 zone permits a density of 800 square feet of lot area per dwelling unit. Height District 1XL limits building height to 30 feet with a maximum FAR of 3:1. The Q condition limits residential density to a maximum of one dwelling unit for each 1,200 square feet of lot area.

The West Parcel (C4 within a Regional Center) currently permits a minimum lot area per dwelling unit of 200 square feet; the Center Parcel (R4) currently permits a minimum lot area of 400 square feet per dwelling unit; and the East Parcel currently permits a minimum lot area of 1,200 square feet per dwelling unit. Modified Alternative 2 would necessitate a zone change on the Center Parcel from R4 to C2 to be consistent with the underlying Regional Center Commercial General Plan land use designation which would permit a minimum lot area of 200 square feet per dwelling unit. The Project would also necessitate a zone change to remove the [Q] Condition on the East Parcel to permit a minimum lot area of 800 square feet per dwelling unit. Modified Alternative 2 would provide 17 Very Low Income residential units, representing 8 percent of the Project Site's applicable base density, and pursuant to LAMC Section 12.22 A.25(e), is eligible for a 27.5 percent density increase to 271 units, and an incentive to increase the allowable FAR by 10% from 6:1 to 6.6:1.

Modified Alternative 2 consists of a mixed-use development, with up to 316,948 square feet of floor area, within a new 30-story tower, referred to herein as Building 1. The proposed Building 1 would include up to 269 multi-family residential units (17 of which would be set aside for Very Low Income households) and approximately 7,760 square feet of commercial/restaurant uses. The existing residence at 1771 Vista Del Mar Avenue would remain as a single-family use and the residence at 1765 Vista Del Mar Avenue, which currently contains three residential units, will be converted back to a single-family use.

Upon approval of the entitlement requests, and as conditioned therein, the project's proposed density is consistent with the general provisions and area requirements of the Planning and Zoning Code. The area is easily accessible via improved streets, highways, and transit systems. The environmental review conducted by the Department of City Planning (Case No. ENV-2014-4706-EIR (SCH No. 2015111073), 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 Hollywood Community Plan area in the City of Los Angeles. The vesting tentative tract map design includes the merger and resubdivision of an approximately .90-acre (39,375 square foot) portion of the total 1.16 acre project site. The R3 portion of the project site will not be further subdivided and therefore, the lot configurations will not change. The remainder of the project site, which is approximately .90 acres will be subdivided into one master ground lot for condominium purposes and five airspace lots for a mixed-use development (Modified Alternative 2). Modified Alternative 2 consists of a mixed-use development, with up to 316,948 square feet of floor area, within a new 30-story tower, referred to herein as Building 1. The proposed Building 1 would include up to 269 multi-family residential units (17 of which would be set aside for Very Low Income households) and approximately 7,760 square feet of commercial/restaurant uses. The existing residence at 1771 Vista Del Mar Avenue would remain as a single-family use and the residence at 1765 Vista Del Mar Avenue, which currently contains three residential units, will be converted back to a single-family use. Five levels of subterranean and above-ground automobile parking would be located within the podium structure of Building 1 and surface parking would be provided for the two single-family residences. 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 EIR prepared for the Project identifies no potential adverse impacts on fish or wildlife resources. The Project Site vicinity is highly-urbanized and generally built out and does not contain riparian or other sensitive natural community, and does not provide a natural habitat for either fish or wildlife. The local vicinity is part of the active regional center of Hollywood, containing a mix of commercial, hotel, studio/production, office, entertainment, and residential uses. There are also several areas in the Project Site vicinity that are currently under construction due to a recent resurgence of development and revitalization of the Hollywood area. No water bodies or federally protected wetlands as defined by Section 404 of the Clean Water Act exist on the Project Site. The Project Site does not contain any natural open spaces, act as a wildlife corridor, contain riparian habitat, wetland habitat, migratory corridors, conflict with a Habitat Conservation Plan, nor possess any areas of significant biological resource value.

As discussed in the Initial Study, with only a limited number of decorative/ornamental trees on the project site and in the surrounding area, there is not a substantial amount of habitat to support migratory bird species. As such, there are no established native resident or migratory wildlife corridors on the project site or in the vicinity. Because of the urban nature of the project site and surrounding area, 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 nursery sites. There are decorative/ornamental trees located within the Project Site or along the public street frontages facing the Project Site. These trees include the 10 private property trees, two City right-of-way trees, and eight trees that overhang the project site on the property to the

south. According to the Tree Report prepared for the Project, none of the private property species are considered protected under the City of Los Angeles Protected Tree Ordinance.

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 hazardous materials site or flood hazard area, and is not located on unsuitable soil conditions. The Project would not place any occupants near a hazardous materials site or involve the use or transport of hazardous materials or substances. As noted in the EIR, construction of the project would involve the temporary use of hazardous substances in the form of paint, adhesives, surface coatings and other finishing materials, and cleaning agents, fuels, and oils. All materials would be used, stored, and disposed of in accordance with applicable laws and regulations and manufacturers' instructions. Furthermore, any emissions from the use of such materials would be minimal and localized to the project site.

As discussed in detail, the Phase I Environmental Site Assessment (ESA) revealed the potential presence of lead-based paints (LBPs) and asbestos-containing materials (ACMs) in the existing on-site buildings. Accordingly, standard City Regulatory Compliance Measures require comprehensive surveys of the existing buildings prior to demolition in accordance with applicable regulations—including the National Emissions Standards for Hazardous Air Pollutants standards, SCAQMD Rule 1403, and California Division of Occupation Safety and Health (Cal/OSHA)—to verify the presence or absence of any of these materials. If LBPs and/or ACMs are encountered, standard City Regulatory Compliance Measures require remediation or abatement of these materials in accordance with all applicable regulations and standards before building demolition commences. Adherence with these Compliance Measures would reduce risks associated with LBPs and ACMs to acceptable levels and associated impacts would be less than significant. Because these activities would be short-term and cease with project completion, construction activities would, therefore, not create a significant hazard to the public or environment through the routine transport, use, or disposal of hazardous materials and impacts would be less than significant.

Operation of the residential, and commercial/restaurant uses would involve the use and storage of small quantities of potentially hazardous materials in the form of cleaning solvents, painting supplies, pesticides for landscaping, and pool maintenance. The use of these materials would be in small quantities and in accordance with the manufacturers' instructions for use, storage, and disposal of such products. Therefore, neither construction nor operation of the project would create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.

The EIR fully analyzed the impacts of both construction and operation of the Project on the existing public utility and sewer systems, and determined that impacts are less than significant. The development is required to be connected to the City's sanitary sewer system, where the sewage will be directed to the Hyperion Treatment Plant, which has been upgraded to meet Statewide ocean discharge standards. The subdivision will be connected to the public sewer system and will have only a minor incremental increase on the effluent treated by the Hyperion Treatment Plant, which has adequate capacity to serve the project. No adverse impacts to the public health or safety would occur as a result of the design and improvement of the site. Therefore, the design of the subdivision and the proposed improvements are not likely to cause serious public health problems.

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

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 August 13, 2020 that the proposed improvements would conflict with any easements. The Project Site does not adjoin or provide access to a public resource, natural habitat, public park, or any officially recognized public recreation area. Necessary public access for roads and utilities will be acquired by the City prior to recordation of the proposed map. Therefore, the design of the subdivision and the proposed improvements would not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.

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

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

Providing for passive or natural heating or cooling opportunities will not result in reducing allowable densities or the percentage of a lot which may be occupied by a building or structure under applicable planning and zoning in effect at the time the tentative map was filed.

The topography of the site has been considered in the maximization of passive or natural heating and cooling opportunities.

In addition, prior to obtaining a building permit, the subdivider shall consider building construction techniques, such as overhanging eaves, location of windows, insulation, exhaust fans; planting of trees for shade purposes and the height of the buildings on the site in relation to adjacent development.

These findings shall apply to both the tentative and final maps for Vesting Tentative Tract Map No. 73718.

VINCENT P. BERTONI, AICP
Advisory Agency

Elva Nuño-O'Donnell

Elva Nuño-O'Donnell
City Planner
Deputy Advisory Agency
ENO;LI;MZ;AC

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. Such appeal must be submitted on Master Appeal Form No. CP-7769.

COVID-19 INTERIM APPEAL FILING PROCEDURES: Consistent with Mayor Eric Garcetti's "Safer At Home" directives to help slow the spread of COVID-19, the Department of City Planning is implementing new procedures for the filing of appeals for non-applicants that eliminate or minimize in-person interaction. There are three options for filing appeals, including an online option at https://planning.lacity.org/development-services/appeal-application-online, as well as two additional options described in the Interim Appeal Filing Procedures attached to this Letter of Determination.

For reference, the Department's Development Services Centers are located at:

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

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

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

Forms are also available on-line at https://planning.lacity.org/development-services/forms

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

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

COVID-19 UPDATE
Interim Appeal Filing Procedures
March 27, 2020

LOS ANGELES CITY PLANNING

Consistent with Mayor Eric Garcetti's "Safer At Home" directives to help slow the spread of COVID-19, the Department of City Planning is implementing new procedures for the filing of appeals for non-applicants that eliminate or minimize in-person interaction. There are two options for filing appeals, which are effective immediately and described below.

OPTION 1: EMAIL PLUS US MAIL

This is a two-step process including pre-clearance by email of the appeal application followed by application and payment submittal via US Mail.

STEP 1:
Email **planning.figcounter@lacity.org** with the subject line: "**Request to File Appeal.**" In the email body provide:
- The case number
- Appellant contact information (name, email, telephone number)

Include as individual attachments to the email:
- Copy of Signed Appeal Application
- Justification
- Letter of Determination

City Planning staff will contact the appellant to confirm whether the appeal is complete and meets the applicable provisions of the Los Angeles Municipal Code (LAMC). The appellant will then be instructed to move forward with Step 2.

STEP 2:
Send appeal application via US Mail, postmarked no later than the last day of the appeal period. The package shall include:
- Original Appeal Application (wet signatures),
- Copy of email correspondence with City Planning staff (from Step 1)
- Appeal fee, check payable to the City of Los Angeles ($109.47 for an aggrieved party, not the Project Applicant.)

Mail the appeal application to:
Department City Planning - Metro DSC
201 N. Figueroa St., 4th Floor
Los Angeles, CA 90012

City Planning staff will email and mail the appellant with a receipt for payment. Note: only the original application, email, and check need to be sent via US Mail. This ensures a standard envelope with standard postage is sufficient, and no trip to the Post Office is necessary. Steps 1 and 2 must both be completed. An email alone is not sufficient to satisfy appeal requirements.

OPTION 2: DROP OFF AT DSC

An appellant may continue to submit an appeal application and payment at any of the three Development Services Center (DSC) locations. City Planning established drop off areas at the DSCs with physical boxes where appellants can drop off appeal applications and payment. **Drop off areas are monitored in secure locations outside the three DSCs (Metro/Downtown, Van Nuys, and West Los Angeles) and are available during regular business hours.**

City Planning staff will follow up with the appellant via email and phone to:
- Confirm that the appeal package is complete and meets the applicable provisions of the LAMC
- Provide a receipt for payment