IV. ENVIRONMENTAL IMPACT ANALYSIS
A. AESTHETICS
2. SHADE AND SHADOW

1. INTRODUCTION

The following analysis of the Modified Project's potential impacts associated with aesthetics (shade and shadow) is based on the analysis provided in Section IV.A Aesthetics of the Certified EIR for the CRA Approved Project. This section of the Draft Supplemental EIR determines whether the Modified Project would result in significant impacts related to aesthetics (shade and shadow) not previously identified in the CRA Approved Project's Certified EIR and provides updates, as necessary, to account for any physical or regulatory changes to the circumstances under which the Modified Project is being undertaken. One such regulatory change, discussed in further detail below in the Regulatory Framework subsection, involves Senate Bill 743 (SB 743). Pursuant to SB 743, mixed-use residential projects located on infill development sites within Transit Priority Areas shall not be considered to have significant impacts on the environment related to aesthetics. Because the Modified Project is a mixed-use residential project located on an infill site within a Transit Priority Area as defined by CEQA and the City of Los Angeles has identified the Project Site as being within a Transit Priority Area,[1] the Modified Project's effects on aesthetic resources, including views/light and glare (discussed in further detail in Section IV.A.1, Views/Light and Glare), and shade and shadow, shall not be considered significant impacts on the environment. As such, the following analysis is presented for informational purposes only.

The City of Los Angeles *L.A. CEQA Thresholds Guide* recognizes shade and shadow impacts as an environmental impact associated with aesthetics and visual resources. The issue of shade and shadow pertains to the blockage of direct sunlight by proposed structures, which may result in shade and shadow impacts that could adversely affect shadow-sensitive uses on adjacent properties. Shadow sensitive land uses are generally defined as facilities and operations with routinely usable outdoor spaces associated with residential, recreational, or institutional (e.g., schools, convalescent homes) land uses, commercial uses such as pedestrian oriented outdoor spaces or restaurants with outdoor eating areas, nurseries, and existing solar collectors. Shadow effects are dependent upon several factors, including local topography, the height and bulk of the project's structural elements, the sensitivity of adjacent land uses to shadow impacts, and the duration of shadow projections.

The Certified EIR analyzed the CRA Approved Project, a mixed use project described in further detail in Section II, Project Description, at Section 1.A. The project analyzed in the Certified EIR included a 23-story structure (260 feet high above grade) with an 18-floor residential tower above a five-level above-grade podium structure with three to four levels of subterranean parking.

The Certified EIR analyzed the CRA Approved Project's shade and shadow impacts based on a

[1] *City of Los Angeles, Department of City Planning, City of Los Angeles Zoning Information and Map Access System (ZIMAS), Parcel Profile Report, website: www.zimas.lacity.org, accessed February 24, 2016.*

conservative building footprint (extending to the west, east, and south property lines and extending 150 feet to the south of the northerly property line, which is the edge of the park) and maximum height envelope of a 260-foot high residential tower and a 65-foot above grade parking podium structure. The Certified EIR concluded that the CRA Approved Project would result in significant winter shadow impacts upon four multi-family land uses: 1546 Gordon Street, 1527-1533 ¾ Bronson Avenue, 1539 Bronson Avenue, and 1545 Bronson Avenue. The Certified EIR also concluded that no shadow sensitive uses would be impacted during the summer months. The Certified EIR concluded that the CRA Approved Project's shadow impacts would be significant and unavoidable and a statement of overriding considerations was adopted in conjunction with the approval of the CRA Approved Project to acknowledge this environmental impact. The Certified EIR also concluded the CRA Approved Project would not contribute to a cumulatively considerable significant impact and cumulative impacts related to shade and shadow would be less than significant.

The Modified Project proposes to modify the CRA Approved Project to allow for the development of the mixed use project described in further detail in Section II, Project Description, at Section 1.C.

The Modified Project will include a 22-story structure consisting of an 18-floor residential tower above a four-level above-grade podium structure. The Modified project's podium structure will have three levels below grade and three levels above-grade parking and a and a new automated steel parking structure that is proposed to be located above the parking area on Level L3 (within the approximate height of Level L4 of the rest of the podium structure), which would include two floors of automated parking. The maximum height of the Modified Project would not exceed 250 feet, which represents a 10 foot decrease from the height analyzed in the Certified EIR. The Modified Project proposes an automated steel parking structure, which would measure approximately 24 feet in height above the parking podium at Level L3 (approximately 19 feet in height above the parking podium parapet). With the automated steel parking structure, the height of the Modified Project's parking podium would be approximately 50 feet above grade (measured from lowest finished grade to the top of the parking equipment and architectural screening element). This represents a 15 foot decrease from the parking podium height analyzed in the Certified EIR. The following analysis addresses the Modified Project's shade and shadow impacts upon adjacent and nearby land uses. Specifically, this section of the Draft Supplemental EIR analyzes the environmental impacts that may occur as a result of the proposed Modified Project with respect to the relevant aesthetic changes between the CRA Approved Project and the Modified Project: addition of the automated steel parking structure, reduction in height of the parking podium (from 65 feet to approximately 50 feet), and reduction in height of the residential tower (from 23-stories and 260 feet to 22-stories and 250 feet).

2. ENVIRONMENTAL SETTING

A. Regulatory Framework

(1) Senate Bill 743 - Environmental Quality: Transit Oriented Infill Projects

There were no regulatory plans, policies, or guidance documents equivalent to Senate Bill 743 at the time

of the Certified EIR. In 2013, the State of California enacted Senate Bill 743 (SB 743),[2] which provides that "aesthetic and parking impacts of a residential, mixed-use residential, or employment center project on an infill site within a transit priority area shall not be considered significant impacts on the environment." A "transit priority area" is defined as an area within one-half mile of a major transit stop that is "existing or planned, if the planned stop is scheduled to be completed within the planning horizon included in a Transportation Improvement Program adopted pursuant to Section 450.216 or 450.322 of Title 23 of the Code of Federal Regulations." (See P.R.C. § 21099(7)). A "Major Transit Stop" is defined as "a site containing an existing rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods." (See P.R.C. § 21064.3). And lastly, an "Infill Site" is defined as a lot located within an urban area that has been previously developed, or on a vacant site where at least 75 percent of the perimeter of the site adjoins, or is separated only by an improved public right-of-way from, parcels that are developed with qualified urban uses. (See P.R.C. § 21061.3).

The Modified Project is classified as a mixed-use residential project and is located on an infill site within a Transit Priority Area as defined by CEQA. The City of Los Angeles identifies the Project Site as being within a transit priority area per the Department of City Planning's Zoning Information File ZI No. 2452, Transit Priority Areas (TPAs) / Exemptions to Aesthetics and Parking within TPAs Pursuant to CEQA.[3] Pursuant to ZI No. 2452, SB 743 supersedes the aesthetic impact thresholds of significance that were previously adopted in the *L.A. CEQA Thresholds Guide* (2006). The Project Site is located within 0.5 mile southeast of an existing rail transit station, the Hollywood Boulevard and Vine Street Metro rail transit station. The Project Site is also located within numerous bus routes with peak commute service intervals of 15 minutes or less along Sunset Boulevard. Metro local lines provide service in the Hollywood area, which include Route 2/302, Route 4/304, Route 210, and Route 207/757. Metro Transit local lines provide service along Hollywood Boulevard, which include Metro Red Line, Route 217, and Route 780. Other local lines serving the Hollywood area are provided by the Los Angeles Department of Transportation. The City provides the Hollywood Dash Service, which provides a circuitous shuttle service in the Hollywood area with a stop at Gordon Street and Sunset Boulevard along the project frontage. The Dash route essentially follows Vermont Avenue in the east between Franklin Avenue and Santa Monica Boulevard with a stepped westerly route over to Highland Avenue up to Franklin Avenue and another stepped route to Vermont Avenue. The portion of the Dash route along Sunset Boulevard is between Western Avenue and Gower Street. The transit lines and Metro Red Line Rail stations located within 0.5 miles of the Project Site are shown in Figure III-1, Transit Priority Area Location Map in Section III. Environmental Setting. The City of Los Angeles also specifically identifies properties located within transit priority areas in its online ZIMAS system, and has identified the Project Site as being within a transit priority area, per the Department of City Planning's Zoning Information File ZI No. 2452,

[2] *SB 743 is codified as Public Resources Code Section 21099.*

[3] *City of Los Angeles, Department of City Planning, Zoning Information File, ZI No. 2452, Transit Priority Areas (TPAs) / Exemptions to Aesthetics and Parking within TPAs Pursuant to CEQA, website: http://zimas.lacity.org/documents/zoneinfo/ZI2452.pdf, accessed March 7, 2016.*

Transit Priority Areas (TPAs) / Exemptions to Aesthetics and Parking within TPAs Pursuant to CEQA.[4,] Accordingly, the Modified Project's aesthetic impacts shall not be considered significant impacts on the environment pursuant to Public Resources Code Section 21099. As such, the following analysis is presented for informational purposes only. While Section 21009 prohibits aesthetic impacts from being considered significant environmental impacts pursuant to CEQA, it does not affect the ability of the City of Los Angeles to implement design review through its ordinances or other discretionary powers. However, there are no other design review requirements, ordinances or other regulatory documents applicable to the Project Site that regulate shade and shadow.

B. Project Site

The Certified EIR for the CRA Approved Project described the Project Site as developed with both commercial and residential land uses. The OSF Building was the most visually prominent structure on the Project Site, situated at the northeast corner of the intersection of Sunset Boulevard and Gordon Street. Along Gordon Street, the Project Site contained three residential developed properties at 1528-1530 Gordon Street, 1534 Gordon Street, and 1538-1540 Gordon Street. The multi-family property at 1528-1530 Gordon Street was originally constructed in 1924 and contained four dwelling units in a one-story, flat- roofed building. The residential property at 1532-34 Gordon Street, originally constructed in 1920, was a one-story bungalow. The residential property at 1538-1540 Gordon Street, originally constructed in 1922, was a one-story collection of apartment units with modest Spanish-style detailing.

The Project Site has substantially changed since the Certified EIR for the CRA Approved Project. The Project Site is currently improved with a vacant 22-story, approximately 250 foot high mixed use building of approximately 319,562 square feet of floor area, and a closed approximately 18,962 square foot public park. The building and public park are currently closed in compliance with an Order to Vacate issued by the Los Angeles Department of Building and Safety on March 19, 2015. The building is comprised of three levels of subterranean parking, a four-level above grade podium base, and an 18-story tower atop. Like most of the properties in the vicinity, the Project Site exhibits little topographic relief as there are no slopes or hillsides in the immediate project area. The Project Site is relatively level with a slight surface elevation incline from south to north.

C. Project Area

The surrounding land uses have experienced moderate changes from the surrounding land uses described in the Certified EIR for the CRA Approved Project as the Project Site is located in a developed area which is supported by existing urban infrastructure. The Certified EIR for the CRA Approved Project described the surrounding area as developed with a variety of low- to mid-rise commercial, multi-family residential institutional and parking uses. The surrounding area generally remains a mix of low- to medium-density residential, commercial, and office uses. Along Sunset Boulevard to the east and west of the Project Site, the development ranged from low- to high-rise structures with many buildings that

[4] *Ibid*

provided at least five stories. Development along Gordon Street was generally low- to mid-rise that ranged from one to four-stories in height.

The properties immediately surrounding the Project Site are described as follows: on the north side of the Project Site is a 4-story apartment complex (1546 Gordon Street), to the northeast of the Project Site are several low- to mid-density residential uses (1527-1555 N. Bronson Street), to the east is a surface parking lot, to the south (across Sunset Boulevard) are multiple single-story commercial uses and the 10-story Emerson College Los Angeles Campus building, and to the west (across Gordon Street) are several single-story retail/commercial uses (6001-6015 Sunset Boulevard and 1507-1511 Gordon Street), a surface parking lot, and residential uses (1523-1563 Gordon Street).

Three of the properties immediately surrounding the Project Site have changed since the Certified EIR. Emerson College Los Angeles Campus, located south of the Project Site at the southeast corner of Sunset Boulevard and Gordon Street, was previously a surface parking lot. Construction of the 10-story Emerson College building was completed in March of 2014. Additionally, the property located at 1523 Gordon Street, directly west of the Project Site, which was previously a multi-family duplex and a surface parking lot, was redeveloped with a three story, 12-unit condominium subdivision. Along Sunset Boulevard, the 12-story Metropolitan Hotel was redeveloped and expanded and is currently a 25-story loft building. Further along Sunset Boulevard (approximately 0.1 miles east of the Project Site at 5800 Sunset Boulevard), the Sunset Bronson Studios was expanded and is currently an approximately 14-story office and production building and 7-story parking structure with two levels of subterranean parking.

Along Sunset Boulevard to the east and west of the Project Site, development ranges from low- to high-rise structures. The Emerson College Los Angeles Campus, described above, with on-site dormitory housing to the immediate south of the Project Site across Sunset Boulevard is the most prominent building in the immediate vicinity at 10 stories. South of the Project Site, across Sunset Boulevard, are one-story commercial/retail uses and an Arby's fast food restaurant. Directly east of the Project Site along Sunset Boulevard is a surface parking lot, followed by a gas station, 4-story motel, and the approximately 25-story loft building, discussed above. The Sunset Gower Studios building at 6040 Sunset Boulevard is approximately six stories. Development along Gordon Street is generally low- to mid-rise, ranging from one to four-stories in height, including the redeveloped three-story, 12-unit condominium subdivision located at 1523 Gordon Street, mentioned above. As such, many existing low-rise buildings in the project area are currently experiencing shading during portions of the year from the existing mixed-use building occupying the Project Site and one or more of the existing mid-rise buildings in the immediate vicinity of the Project Site.

With respect to the project locale and underlying zoning, at the time of the certification of the Certified EIR, the Project Site was located in two land use designations pursuant to the 1988 Hollywood Community Plan and two zoning designations. These consisted of a Highway Oriented Commercial land use designation and C4-1-SN zoning designation for all properties fronting on Sunset Boulevard, and a High Medium Density Residential land use designation and [Q]R4-1VL zoning designation for all

properties fronting along Gordon Street (See Section II. Project Description, Figure II-2, Pre-City Approval Conditions General Plan Land Use and Zoning Designations). The C4-1 zone did not establish a specific height limit and instead expressed the development limitation to not exceed a maximum density of 1.5:1 FAR. The [Q]R4-1VL, zone restricted development to a maximum height of three stories or 45 feet in height.

Following the certification of the Certified EIR, the City considered the CRA Approved Project and adopted new zoning and land use designations on the Project Site, as approved by the Los Angeles City Council on July 25, 2008, Council File 08-1509 and Ordinance 180,094, effective September 13, 2008. The Project Site's current land use and zoning designations are: (1) Regional Center Commercial and (T)(Q)C2-2D-SN for all properties fronting on Sunset Boulevard and two parcels fronting Gordon Street (the portion of the Project Site located at 5929, 5933-5937, 5939, 5945 West Sunset Boulevard and 1512, 1516 and 1522 North Gordon Street (Lots 12-14 of Bagnoli Tract No. 2, Lot FR6 of the Paul and Angel Reyes Subdivision, Lots 15-16 of Bagnoli Tract No. 2)) (collectively referred to as the "C2 parcels"); and (2) High Medium Density Residential and (T)(Q)R4-1VL for the remaining properties fronting along Gordon Street (the portion of the Project Site located at 1528 through 1540 North Gordon Street (Lots 17, 18, and 19 of Bagnoli Tract No. 2)) (collectively referred to as the "R4 Parcels"). The current zoning and land use designations on the Project Site are identified in Section II. Project Description, Figure II-3, Current General Plan Land Use and Zoning Designations (Ordinance 180094, Effective September 13, 2008). The current "D" Development Condition on the C2 Parcels provides that the floor area for the entire site shall not exceed 324,901 square feet. The City Council's approvals also included a (Q) Condition, which provides that the 324,901 square feet of development be located on the C2 Parcels and the R4 Parcels contain a public park. In addition, the (Q) Condition provided that height on the C2-2D zoned portion of the site shall be limited to 260 feet.

D. Shadow-Sensitive Uses

Shading is an important environmental issue because the users or occupants of certain "shade-sensitive" land uses have reasonable expectations for direct sunlight and warmth from the sun. Shadow impacts may be perceived as either beneficial or adverse depending on the specific use and function of a property. Certain sunlight dependent uses, such as photovoltaic cells (i.e., solar panels) are rendered useless if solar access is impeded. According to the *L.A. CEQA Thresholds Guide*, shadow-sensitive uses include: routinely useable outdoor spaces associated with residential, recreational, or institutional (e.g., schools, convalescent homes) land uses; commercial uses such as pedestrian-oriented outdoor spaces or restaurants with outdoor seating areas; nurseries; and existing solar collectors.

The Project Site is located in the immediate vicinity of numerous single-family and multi-family residential buildings, some of which contain common swimming pool and outdoor recreational amenities, front and backyard areas, and other potentially "routinely usable outdoor spaces." The surrounding land uses have experienced moderate changes from the surrounding land uses described in the Certified EIR for the CRA Approved Project as the Project Site is located in a developed area which is supported by existing urban infrastructure. As a result, 6 additional shade-sensitive residential uses were identified in

this analysis for the Modified Project. Since these uses provide scenarios that make it difficult to determine to what extent certain uses are more shade-sensitive than others, this section will conservatively analyze the uses identified in Table IV.A-1 below as shade-sensitive residential uses.

Table IV.A.2-1
Shadow-Sensitive Land Uses in the Project Vicinity

Address	Type of Residential Use
1523 Gordon Street	3-story multi-family
1539 Gordon Street	1-story single-family
1545 Gordon Street	2-story multi-family
1537 Gordon Street	2-story single-family
1546 Gordon Street	4-story multi-family
1555 Gordon Street	4-story multi-family
1556 & 1554 Gordon Street	1-story multi-family
1527-1533 ¾ Bronson Avenue	2-story multi-family
1539 Bronson Avenue	2-story multi-family
1545 Bronson Avenue	3-story multi-family
1555 Bronson Avenue	2-story multi-family
1540 Bronson Avenue	2-story multi-family
5851 Harold Way	2-story multi-family
5849 Harold Way	2-story multi-family
1600 Bronson Avenue	3-story multi-family
5846 Carlton Way	4-story multi-family
Source: Parker Environmental Consultants, 2016.	

3. ENVIRONMENTAL IMPACTS

A. Methodology

Potential shadow impacts were determined based on a survey of the surrounding project area, architectural plans, and shadow calculations using Amethyst ShadowFX V3 sun shadow analysis software program. Shadow length multipliers and bearings were projected for 34°05'54", the latitude coordinates of the Project Site.

Shadow lengths are dependent on the height and size of the building from which they are cast and the angle of the sun. The angle of the sun varies with respect to the rotation of the earth (i.e. time of day) and elliptical orbit (i.e. change in seasons). The longest shadows are cast during the winter months and the shortest shadows are cast during the summer months. In the Northern Hemisphere, the longest day and shortest night of the year occur on the Summer Solstice (on June 21 or 22), marking the beginning of summer. The shortest day and longest night of the year occur on the Winter Solstice (December 21 or 22), marking the beginning of winter. The measurement of shadow lengths that occur at the winter and summer solstices therefore represent the most extreme shadow patterns that occur throughout the year. Shadows cast at the summer solstice are the shortest shadows during the year, becoming progressively

longer until winter solstice when the shadows are the longest they are all year.

The dimensions, placement and orientation of surrounding buildings in the project area were derived from available architectural site plans and aerial photographs of the project vicinity. The Certified EIR stated the CRA Approved Project would include development of a 23-story, 260 foot residential tower and a 65 foot parking podium. Compared to the CRA Approved Project, as shown on the building elevations (See Figures II-11 through Figure II-14 in Section II, Project Description), the Modified Project includes the development of a 22-story, 250 foot residential tower and an approximately 50 foot parking podium, which includes a steel, automated parking structure that would be entirely screened from view with a live green screen with climbing vines and or ivy.

The Certified EIR's shadow impacts were conservatively based on a massing envelope defined by the general property boundaries instead of the proposed building footprint, and a structural height of 260 feet high above grade for the residential tower and 65 feet above grade for the parking podium. For the shadow impact analysis for the Modified Project, the proposed building footprint was used to provide an estimate of the project's shadow impacts. The topography of the site was not incorporated as an input. Therefore, the shadow diagrams presented in this analysis are based on a height of approximately 250 feet above grade for the residential tower element and 50 feet above grade for the parking structure. For comparative measure, the shadow projections of the Certified EIR were also shown as an overlay in Figures IV.A.2-1 through IV.A.2-4.

B. Thresholds of Significance

The State CEQA Guidelines do not provide thresholds with respect to shade and shadow impacts. Pursuant to Section 15064 (b) of the State CEQA Guidelines, the determination of whether a project may have a significant effect on the environment calls for careful judgment on the part of the public agency involved, based to the extent possible on scientific and factual data. An iron-clad definition of significant effect is not always possible because the significance of an activity may vary with the setting.

As set forth in the *L.A. CEQA Thresholds Guide*, a project would normally be considered to have a significant shade and shadow impact if shadow-sensitive uses would be shaded by project-related structures for more than three hours between the hours of 9:00 a.m. and 3:00 p.m. Pacific Standard Time (between late October and early April), or for more than four hours between 9:00 a.m. and 5:00 p.m. Pacific Daylight Time (between early April and late October). For purposes of identifying shadow sensitive land uses, the *L.A. CEQA Thresholds Guide*, states that "facilities and operations sensitive to the effects of shading include: routinely useable outdoor spaces associated with residential, recreational, or institutional (e.g., schools, convalescent homes) land uses; commercial uses such as pedestrian oriented outdoor spaces or restaurants with outdoor eating areas; nurseries; and existing solar collectors." These land uses are termed "shadow-sensitive" because sunlight is important to function, physical comfort of commerce.



Winter Solstice Shadows 9:00 A.M.



Winter Solstice Shadows 10:00 A.M.



Winter Solstice Shadows 11:00 A.M.



Winter Solstice Shadows 12:00 P.M.

Source: Parker Environmental Consultants, 2015

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Figure IV.A.2-1
Shade and Shadow Study



Winter Solstice Shadows 1:00 P.M.



Winter Solstice Shadows 2:00 P.M.



Winter Solstice Shadows 3:00 P.M.



Summer Solstice Shadows 9:00 A.M.

Source: Parker Environmental Consultants, 2015

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Figure IV.A.2-2
Shade and Shadow Study



Summer Solstice Shadows 10:00 A.M.



Summer Solstice Shadows 11:00 A.M.



Summer Solstice Shadows 12:00 P.M.



Summer Solstice Shadows 1:00 P.M.

Source: Parker Environmental Consultants, 2015

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Figure IV.A.2-3
Shade and Shadow Study



Summer Solstice Shadows 2:00 P.M.



Summer Solstice Shadows 3:00 P.M.



Summer Solstice Shadows 4:00 P.M.



Summer Solstice Shadows 5:00 P.M.

Source: Parker Environmental Consultants, 2015

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Figure IV.A.2-4
Shade and Shadow Study

As discussed above, pursuant to SB 743, mixed-use residential projects located on infill development sites within Transit Priority Areas shall not be considered to have significant impacts on the environment related to aesthetics. Because the Modified Project is a mixed-use residential project located on an infill site within a Transit Priority Area as defined by CEQA,[5] the Modified Project's effects on aesthetic resources shall not be considered significant impacts on the environment. Nevertheless, the following analysis is provided for informational purposes.

C. Project Impacts

The Certified EIR analyzed the CRA Approved Project described in further detail in Section II, Project Description, at Section 1.A. Implementation of the Modified Project would involve modifications to the CRA Approved Project as described in further detail in Section II, Project Description, at Section 1.C.

Relevant to the analysis of shade and shadow impacts, as compared to the CRA Approved Project the Modified Project would result in the addition of the automated steel parking structure, reduction in height of the parking podium (from 65 feet to approximately 50 feet), and reduction in height of the residential tower (from 23-stories and 260 feet to 22-stories and 250 feet).

Impact IV.A.2-1: The Certified EIR concluded the CRA Approved Project would result in significant and unavoidable shade and shadow impacts upon nearby residential properties during the winter months. However, as a mixed-use residential project located on an infill site within a Transit Priority Area as defined by CEQA, the Modified Project's aesthetic impacts shall not be considered significant impacts on the environment pursuant to SB 743. Therefore, the Modified Project would result in less than significant shade and shadow impacts upon nearby residential properties during the winter months.

The Certified EIR concluded the CRA Approved Project would result in significant and unavoidable shade and shadow impacts upon nearby residential properties during the winter months. Specifically, the Certified EIR stated the CRA Approved Project would shade the following uses for three or more consecutive hours during the winter season:

- 1546 Gordon Street (4-story multi-family use) would be shaded from 10:00 A.M. through the 1:00 P.M. hour; and
- 1527-1533 ¾ Bronson Avenue (2-story multi-family use), 1545 Bronson Avenue (3-story multi-family use), would all be shaded from 12:00 P.M. through the 3:00 P.M. hour.

Compared to the CRA Approved Project, the Modified Project would result in a reduction in the height of the residential tower (from 23-stories at 260 feet to 22-stories at 250 feet) and in the height of the parking podium (from 65 feet to approximately 50 feet). As shown in Figures IV.A.2-1 through IV.A.2-2, the

[5] *City of Los Angeles, Department of City Planning, City of Los Angeles Zoning Information and Map Access System (ZIMAS), Parcel Profile Report, website: www.zimas.lacity.org, accessed February 24, 2016.*

winter solstice shadows created by the Modified Project would fall entirely within the previous shadow pattern projected for the CRA Approved Project analyzed in the Certified EIR. The Modified Project would shade the same three residential uses identified above for three or more consecutive hours, and therefore would have a substantially similar significant and unavoidable shade and shadow impact to the CRA Approved Project. As such, the Modified Project would neither result in a new significant shade and shadow impact nor would it increase the severity of the previously disclosed significant and unavoidable shade and shadow impact identified in the Certified EIR for the CRA Approved Project.

As with the CRA Approved Project, no feasible mitigation measures have been identified that would reduce this significant impact to a less-than-significant level. Therefore, as disclosed in the Certified EIR, shade and shadow impacts would remain significant and unavoidable during the winter months. However, as discussed above, pursuant to SB 743 and the provisions set forth by P.R.C. § 21099, the Modified Project is classified as a mixed-use residential project located on a project site that is considered an infill site within a Transit Priority Area as defined by CEQA. As such, the Modified Project's aesthetic impacts shall not be considered significant impacts on the environment. Thus, the Modified Project would result in less than significant shade and shadow impacts upon nearby residential properties during the winter months pursuant to SB 743. Accordingly, as compared to the CRA Approved Project, the proposed Modified Project would not involve new significant environmental effects or a substantial increase in the severity of previously identified significant effects related to shade and shadow during the winter months.

Impact IV.A.2-2: The Certified EIR concluded the CRA Approved Project would result in less than significant shade and shadow impacts upon nearby residential properties during the summer months. Similar to the CRA Approved Project, the Modified Project would result in less than significant shade and shadow impacts upon nearby residential properties during the summer months.

The Certified EIR concluded the CRA Approved Project would result in less than significant impacts related to shade and shadow upon nearby residential properties during the summer months. As shown in Figures IV.A.2-2 through IV.A.2-4, the summer solstice shadows created by the Modified Project would fall entirely within the previous summer shadow pattern projected for the CRA Approved Project in the Certified EIR. No shade-sensitive uses would be shaded for more than four consecutive hours during the summer season. Furthermore, as discussed above, pursuant to SB 743 and the provisions set forth by P.R.C. § 21099, the Modified Project is classified as a mixed-use residential project located on a project site that is considered an infill site within a Transit Priority Area as defined by CEQA. As such, the Modified Project's aesthetic impacts shall not be considered significant impacts on the environment. Therefore, consistent with the CRA Approved Project, the Modified Project's summer shade-shadow impacts would be less than significant. Accordingly, as compared to the CRA Approved Project, the proposed Modified Project would not involve new significant environmental effects or a substantial increase in the severity of previously identified significant effects related to shade and shadow during the summer months.

4. CUMULATIVE IMPACTS

The Certified EIR for the CRA Approved Project concluded the CRA Approved Project in combination with the 86 related projects identified in the Certified EIR would result in less than significant cumulative shade and shadow impacts. The related projects list was updated for this analysis and includes a total of 76 projects (see Section III. Environmental Setting). Cumulative aesthetic impacts could occur if other related projects in the vicinity of the Project Site would combine with the Modified Project to shade a shade-sensitive use for more than three hours in the winter or for more than four hours in the summer. As discussed above, the surrounding land uses have experienced moderate changes from the surrounding land uses described in the Certified EIR for the CRA Approved Project as the Project Site is located in a developed area which is supported by existing urban infrastructure. The nearest related project, Related Project 46, located at 5901 Sunset Boulevard immediately east of the Project Site, is an 15-story mixed use building approximately 240 feet above grade. The combined shadows from the Modified Project and Related Project 46, could potentially result in cumulatively significant shade and shadow impacts during the winter months on the multi-family residential uses to the north of the Modified Project.

However, as discussed above, pursuant to SB 743 and the provisions set forth by P.R.C. § 21099, the Modified Project is classified as a mixed-use residential project located on a project site that is considered an infill site within a Transit Priority Area as defined by CEQA. As such, the Modified Project's aesthetic impacts shall not be considered significant impacts on the environment. Therefore, the Modified Project would not add any incremental contribution to a cumulatively significant impact with respect to shade and shadow, and the Modified Project's impacts would not be cumulatively considerable. (See CEQA Guidelines §§ 15130, 15064(h).) Additionally, the City of Los Angeles also specifically identifies properties located within Transit Priority Areas in its online ZIMAS system, and has identified Related Project 46 as being within a Transit Priority Area. As stated above, in 2013, the State of California enacted Senate Bill 743 (SB 743),[6] which provides that "aesthetic and parking impacts of a residential, mixed-use residential, or employment center project on an infill site within a transit priority area shall not be considered significant impacts on the environment." P.R.C. § 21099 defines an "employment center project" as a project located on property zoned for commercial uses with a floor area ratio of no less than 0.75 and that is located in a Transit Priority Area. Based on these criteria, Related Project 46 is classified as an employment center project located on a project site that is considered an infill site within a Transit Priority Area as defined by CEQA. Thus, Related Project 46's aesthetic impacts shall also not be considered significant impacts on the environment and, therefore, would not add any incremental contribution to a cumulatively significant impact with respect to shade and shadow. Therefore, consistent with the analysis in the Certified EIR for the CRA Approved Project, the Modified Project's cumulative shade and shadow impacts would be less than significant. Accordingly, as compared to the CRA Approved Project, the proposed Modified Project would not involve new significant environmental effects or a substantial increase in the severity of previously identified significant effects related to cumulative shade and shadow.

[6] *SB 743 is codified as Public Resources Code Section 21099.*

5. REGULATORY COMPLIANCE MEASURES

There are no regulatory compliance measures for shade and shadow impacts.

No code-required measures were identified in the Certified EIR.

6. MITIGATION MEASURES

The regulations governing shade and shadow impacts have changed since the Certified EIR for the CRA Approved Project. As discussed above, pursuant to SB 743 and the provisions set forth by P.R.C. § 21099, the Modified Project is classified as a mixed-use residential project located on a project site that is considered an infill site within a Transit Priority Area as defined by CEQA. Additionally, as discussed above, Related Project 46 is classified as an employment center project located on a project site that is considered an infill site within a Transit Priority Area as defined by CEQA. Thus, Related Project 46's aesthetic impacts shall also not be considered significant impacts on the environment. As such, the Modified Project's aesthetic impacts shall not be considered significant impacts on the environment. Therefore, the Modified Project would not result in a significant shade and shadow impact under CEQA, either individually or cumulatively. Therefore, no mitigation measures are required.

7. LEVEL OF SIGNIFICANCE AFTER MITIGATION

The Certified EIR concluded that there was no feasible mitigation to reduce the CRA Approved Project's significant shade and shadow impacts to a less than significant level, and a statement of overriding considerations was adopted to acknowledge this significant and unavoidable impact.

The regulations governing shade and shadow impacts have changed since the Certified EIR for the CRA Approved Project. As discussed above, pursuant to SB 743 and the provisions set forth by P.R.C. § 21099, the Modified Project is classified as a mixed-use residential project located on a project site that is considered an infill site within a Transit Priority Area as defined by CEQA. As such, the Modified Project's aesthetic impacts shall not be considered significant impacts on the environment. Therefore, the Modified Project would not result in a significant shade and shadow impact under CEQA, either individually or cumulatively. Therefore, the Modified Project's shade and shadow impacts would be less than significant, and the proposed Modified Project would not involve new significant environmental effects or a substantial increase in the severity of previously identified significant effects related to shade and shadow.