

INSTRUCTIONS



HOUSING ELEMENT PROJECT CHECKLIST INSTRUCTIONS

Project Within the Scope of The Housing Element Program EIR

Overview

On November 24, 2021, the Los Angeles City Council certified the Los Angeles Citywide Housing Element 2021-2029 and Safety Element Updates Final Environmental Impact Report (Program EIR). Using CEQA Guidelines Section 15168, subsequent projects may use the Program EIR as their environmental clearance if the project can be shown to be within the scope of the program analyzed in the Program EIR, and its environmental effects are within the scope of environmental impacts assessed in the Program EIR.

In the case of the Program EIR, any project involving new housing anywhere within the City will be within the scope of the Housing Element Program, and generally, most housing projects will be within the scope of the environmental effects assessed in the Program EIR. Therefore, nearly any housing project in the City can potentially use the Housing Element Project Checklist (HE Checklist) as its environmental clearance. For those housing projects found not to be within the scope of the impacts analyzed in the Program EIR, the Program EIR can be used to clear those impacts that were analyzed in the EIR and a tiered clearance, such as a mitigated negative declaration or focused EIR, can be used to clear those impacts found not to be within the scope of the EIR.

Note that while the circumstances of a case may not be typical for a Categorical Exemption, the scope of impacts analyzed for the Program EIR covered a broad variety of housing projects in the City, including larger projects in a variety of environments with a variety of impacts and mitigation measures. Based on the broad scope of the case studies (see the findings summary) relied on for analysis in the EIR, impacts outside the scope of the Program EIR would likely be very unusual. The EIR and its case studies should be consulted to determine if something is peculiar or unique. If there are any questions, the assigned Los Angeles City Planning (LACP) project planner may reach out to the Environmental Staff Advisory Committee (ESAC) for additional environmental assistance.

To use the Housing Element Project Checklist, applicants or their environmental consultants should fill out [Form CP-4089](#), Housing Element Project Checklist Form in consultation with the assigned LACP project planner. When the form is filled out completely and accurately, containing all the necessary findings and information and reviewed and signed by LACP planning staff, that then becomes the CEQA clearance for the project.

Demonstrating that a project qualifies for this process involves the imposition of all applicable mitigation measures (MMs) from the Program EIR and may require the production of technical studies to show what a particular impact from a project may be, and which specific measures within the Program EIR mitigation measures should be implemented. Therefore, it is necessary for a project using the HE Checklist to produce a project-specific Mitigation Monitoring Plan (Project MMP). This Project MMP will contain any MMs carried over directly from the Housing Element Program Mitigation and Monitoring Program (Program MMP), project-specific MMs identified in studies conducted

pursuant to the Program MMP to be implemented by the project, and any substitute MMs implemented by the project in lieu of the MMs in the Program MMP. The MMs in the Project MMP shall then be incorporated into the Conditions of Approval for the project.

The analysis contained in the Draft EIR determined that the adoption of the Housing Element would result in unavoidable significant environmental impacts with regard to:

- Air Quality (Exceedance of Criteria Pollutants—Construction and Operations)
- Biological Resources (Special Status Species, Sensitive Habitats, Wildlife Corridors)
- Cultural Resources (Historical Resources and Archaeological Resources)
- Geology and Soils (Paleontological Resources)
- Hazards and Hazardous Materials (Hazardous Materials Near Schools and Hazardous Materials Sites)
- Noise (Construction Noise, Operation Noise, and Construction Vibration)
- Public Services (Fire Protection, Police Protection, and School Facilities)
- Recreation (Deterioration of Recreational Facilities and Construction of Recreational Facilities)
- Transportation – (Freeway Queuing)
- Tribal Cultural Resources (Construction: Ground Disturbance during Construction)
- Wildfire (Impair Emergency Response Plan, Exacerbate Wildfire Risks in State Responsibility Area or VHFHSZ, Require Infrastructure that may Exacerbate Fire Risk, Expose People or Structures to Significant Risks in State Responsibility Area or VHFHSZ, and Expose People or Structures to Significant Risks Involving Wildland Fires).

This set of instructions is intended to help planners and the public use and complete the Housing Element Project Checklist Form ([CP-4089](#)).

A. General Rules

1. **Clearance.** If your project is within the scope of the Housing Element Program (See discussion of Section C (Using the Form) below), you can use the HE Checklist Form to complete CEQA analysis for the Proposed Housing Project to either: (1) completely clear all impacts of the Proposed Housing Project and adopt no other clearance; or (2) clear some or most of the impacts of the Proposed Housing Project and then prepare a tiered MND or EIR for the impact that was not within the scope of the Housing Element. If the Proposed Housing Project impacts are within the scope of the Housing Element EIR, generally, you should be able to just rely on the checklist and any technical studies required to clear the project. No other CEQA clearance will need to be prepared.
2. **Any housing project.** Generally, any type of housing project anywhere in the City is eligible for use of the clearance. It does not need to be a site listed in an HE appendix, such as 4.1 or 4.7, to the Housing Element. A housing project requiring legislative action, such as a GPA or ZC, is also eligible, assuming all other requirements are met.
3. **Technical Studies.** What technical studies will be required is generally determined by filling out the mitigation measure checklist in Part D.

4. *Applicable Mitigation Measures.* What mitigation measures are required (including studies) is determined by trigger language in the mitigation measures (as discussed below).
5. *CEQA Appeal.* This clearance is not subject to a CEQA appeal to the City Council under Section 11.5.13 of Chapter 1 or Section 13B.11.1.F. of Chapter 1A of the Los Angeles Municipal Code.
6. *Notice and Circulation.* There is no requirement to circulate the HE Checklist Form if the project is cleared using this determination. Any project notice is required to include the notice language provided in Section C., below.
7. *Submitted Materials.* Any submitted materials from the applicant, including studies and statements to support completion of the HE Checklist Form shall be included in the environmental case file. Only studies or assessments required by the Checklist Form shall be attached to the Checklist in Appendix “D.”
8. *Notice of Determination (NOD).* After a project using the HE Checklist Form is approved, an NOD should be filed with the County Clerk and the State Clearinghouse.

B. Using the Form

Cover Page

Fill in the Description of the Proposed Housing Project box. This should be a summary of the project, but if you need more pages, check the box that there are more pages attached.

Determinations Page

This is signed by the planner if the project is cleared by the HE Checklist and no tiered clearance is needed.

Attachments

“A” Proposed Housing Project Context

Fill out the boxes to describe the environmental setting of the Proposed Housing Project. Section A of the Attachment should contain a description of the project vicinity, along with contact information, as described in the checklist form. This attachment should not contain any impact analysis.

“B” Program EIR Background

This section of the Attachment is a reference section to describe the legal source for use of the clearance (CEQA Guidelines Section 15168); the City Council finding the Housing Element EIR analyzed the build-out of 420,327 housing units of all types throughout the City at the project and program level; and provide a link to the EIR Findings and the Mitigation and Monitoring Program for the Housing Element EIR.

“C” Finding that the Proposed Housing Project is a Project Within the Scope of the Program for Which the Program EIR was Certified

Follow instructions directly. Check all of the boxes in Table C-1 that apply. Then check the box in the conclusion that applies. If any one box is checked in C-1 you can use this form.

Project is industrial zoned: A Proposed Housing Project does not have to be currently zoned residential or commercial (or otherwise zoned to allow residential uses) to use this clearance. The project analyzed in the Housing Element was the build-out of the RHNA, which is the build-out of approximately 450,000 housing units by 2029. These housing units can come from anywhere in the City. Case studies in the Housing Element EIR included industrial planned and zoned properties rezoned for housing (see e.g., case study Arts District Center Project EIR (case study 21) and Council found the case studies list included in Table 4-2 in Section 4.0 of the Housing Element EIR was housing that could be built, including housing on “non-vacant sites.”

Project is mixed use: The HE Checklist Form can be used for mixed-use projects, including those with large amounts of non-residential uses. The Housing Element EIR considered impacts from such projects and included large-scale mixed-use projects, including the Crossroads Hollywood Project (case study 18) and the Times Mirror Square (case study 17), among others. The Crossroads included 1,432,500 square feet of floor area consisting of 950 residential units, 308 hotel rooms, approximately 95,000 square feet of office uses, and approximately 185,000 square feet of commercial/retail uses. The Times Mirror Square project included 1,127 residential units and up to 34,572 square feet of commercial floor area.

Eldercare Facility: This should be considered multi-family housing for purposes of this clearance.

“D” Mitigation Measures for the Proposed Housing Project

1. General Rules

- (a) *When do measures meet the threshold in the Program MM?* Mitigation measures thresholds are met if the project meets the trigger stated in the mitigation measure itself. (See “Instructions for particular Mitigation Measures,” below, for the triggers for particular mitigation measures). If the trigger is met, check the box that the threshold is met for the Program MM, even if we intend to use a substitute mitigation measure. Use of substitute mitigation measures is addressed in paragraph (e) under the heading, “Substitute Mitigation Measures.”

The question of whether the measure meets a threshold should not be confused with the question of whether there are any remaining significant impacts, or whether a study shows there are any project-specific mitigation measures. Simply check the box “Yes” if the threshold is met by the project. If the answer is no, that means that the triggering threshold was not met.

Instruction: If the MM is not triggered by the applicability threshold, add a *brief* explanation in the box below the mitigation measure describing why the threshold/trigger was not met for the MM. One or two sentences explaining how the trigger was not met should be sufficient; extensive analysis should not be necessary here. The explanation should refer to evidence supporting the brief explanation. For

example, if the trigger was not met because the construction will not last more than 18 months, cite to the evidence for this. Explanations are not necessary if you mark “Yes” for a MM.

- (b) *Mitigation Measures that Require Studies.* If a MM requires a study, survey, report, assessment, program, or plan (collectively referred to as “study”), to be prepared to determine if the Proposed Housing Project will have a significant impact and/or to identify the mitigation measures or mitigation plan to impose, that analysis must be done before completing the Checklist, and will be referenced and relied on in the analysis prepared in Appendix section E.2. Note screening criteria E.1.a requires any study required in a mitigation measure to be prepared and analyzed in Section E.2. Please note, the study needs to be prepared to complete the analysis in E.2, even if the language in the MM states it can be done before building permit.

If the expert study identifies a potential significant impact from the project, the study should identify what measures or mitigation plan needs to be imposed on the project to reduce the impact to less than significant or reduce to the extent feasible (even if still significant). Such measures identified in the study may be referred to as “implementing measures” and must be included in the Project MMP attached at Appendix “B”.

Note that where the Program EIR mitigation measure includes proposed implementing measures that “may” be imposed to reduce an impact to less than significant, those measures are examples and are not specifically required.¹ The study could identify measures in the list, or no measures in the list but provide alternative effective and feasible mitigation measures. Additionally, if the study shows a less than significant impact, no further mitigation measures are required.

Note that a study does not in itself require mitigation measures be imposed on the project, but instead should identify if measures are required to reduce a significant impact. A study may consider whether existing regulatory compliance measures will reduce the impact. Measures that are deemed infeasible, or would create unacceptable secondary impacts should not be used. In the latter two cases, alternative mitigation measures should be imposed, if effective and feasible.

For a mitigation that requires a study when a triggering threshold is met by the project (such as ground disturbance), the proper box to mark on the Checklist form is “Yes” under “Meets Threshold in Proposed Housing Project,” even if the study ultimately shows that no significant impacts would occur and/or that no further mitigation measures are necessary. The question being asked in the Checklist is whether the triggering threshold is met, not whether the studies identify impacts or project-specific mitigation measures.

If the study shows a significant impact and proposed mitigation measures and the applicant agrees to accept the measures from the study (and all other applicable mitigation measures), you can check the box in the Conclusion for “All applicable mitigation measures (including

¹ Program Measures that include examples of project measures are the following: 4.2-2(a), 4.2-2(b), 4.3-1(a), 4.3-1(c), 4.3-1(d), 4.10-1, 4.10-2, 4.12-1(a), 4.12-1(d), 4.12-2(a), 4.14-1, 4.14-2, 4.17-1.

substitute measures) will be imposed on the Proposed Housing Project ...". Also include these MMs from the study in the Project MMP in Appendix "B" as measures to implement the MMs from the original Program MMP. If the applicant is not agreeable to the measures recommended in the study, then we would need to check the "Not all applicable mitigation measures will be imposed ..." box in the Conclusion and mark the screening criteria in E.1.b. Yes.

If the Department has adopted new thresholds of significance, methodology, or other guidance for the analysis of a particular impact category (such as Noise or Historic Resources) since the adoption of the Housing Element EIR, use the adopted thresholds, methodology, or guidance in the preparation of analysis or technical studies. Mitigation measures adopted with the Housing Element EIR remain valid regardless of policy changes, however. However, if an impact has been made exempt by a subsequent State law, that should be considered in determining whether to impose a mitigation measure (such as Public Resources Code Section 21085 and operational noises from residential uses.).

All studies required by a mitigation measure or Section E.1., shall be attached at Appendix "D"

- (c) *Imposition of mitigation measures.* All applicable mitigation measures from the Program EIR must be imposed on the project. If mitigation measures are required for the Proposed Housing Project, including as a result of a study required by a mitigation measure that was triggered for the project, prepare a Project-level Mitigation Monitoring Program (Project MMP), impose the measures as conditions of approval, and include a condition of approval that the applicant hire a construction monitor to ensure compliance with the Project MMP. Note that if the mitigation measure from the Housing Element Program MMP (Program MMP) requires a study and the study finds no significant impacts, there is nothing to put in the Project MMP for that measure. If the study identifies required mitigation measures to reduce an identified significant impact, the specific mitigation measures identified in the study should be included in the Project MMP. The Project MMP contains the project-specific mitigation measures remaining to be implemented after the completion of the Housing Element Checklist, and which will be imposed on the project through conditions of approval.
- (d) *Significant but Unavoidable Impacts.* If a study demonstrates an impact cannot feasibly be reduced to less than significant level, even with the application of the mitigation measures, the analysis in E.2 should demonstrate why further reduction is infeasible. Note that the Program EIR and Council findings on the Housing Element Program identified that some impacts from housing development would foreseeably be significant and unavoidable even with all feasible mitigation measures being applied. An analysis of a project that shows significant but unavoidable impacts in one of those categories may still be within the scope of the Housing Element Program EIR. Refer to the instructions in E.2 for those categories of significant unavoidable impacts that are within the scope of the Program EIR. The HE Checklist may still be used for a housing project within the scope of the Housing Element Program EIR in these cases and the Planner should complete all appendices before determining if a tiered clearance is required. For those significant unavoidable impacts that are not within the scope of the EIR, a tiered EIR may be prepared to analyze that impact.

(e) *Substitute Mitigation Measures.* After determining if a mitigation measure applies, a substitute mitigation measure may be imposed if (1) it is found to be equal or more effective and (2) it will not cause a new significant impact. Whenever a substitute measure is being used, an analysis shall be attached in Appendix “A” to support the finding that the above two requirements are met. If a project design feature (PDF) or, under rare circumstances, compliance with a law or regulation (regulatory compliance measure, RCM) would meet these criteria of effectiveness, they should be considered substitute mitigation measures and be included in the checklist as such. In Section D.2, check the box that the “appendix will be filled out” under the “Substitute Mitigation Measures” heading and attach the necessary analysis in the appendix. All applicable mitigation measures, including substitute measures that are equal or more effective, shall be imposed on the project in the Project MMP attached at Appendix “B” and made conditions of approval.

(f) *Conclusion.* After determining which measures are triggered in D.1, if any substitute measures will be imposed, and if the applicant has agreed to accept all of the triggered mitigation measures (or substitute measures) check the relevant box in the Conclusion section. Note that you may need to finish the analysis in E.1 and E.2. before determining what measures are required and if the applicant will comply with all of the measures. (See discussion above in (b) for measures that require studies.) If the third box in the Conclusion has been checked, indicating that not all applicable mitigation measures have been imposed, that would require the use of a tiered document to account for the effects of applicable mitigation measures not being implemented. The third box should not be checked unless an unusual circumstance prevents the implementation of a mitigation measure.

2. Instructions for particular Mitigation Measures

4.2-2(a) Construction Emission Reduction

Trigger	<p>One of the following is met:</p> <ul style="list-style-type: none"> • Demolition of more than 13,500 square feet of building area; • Greater than 5,000 cubic yards of soil cut/fill; or • Greater than 5 acres of graded area; or use of more than ten pieces of heavy-duty construction equipment and 150 truck trips (or a total of 6,000 vehicle miles traveled by truck) on any given day during demolition, site clearing, or grading.
---------	--

- Applicants shall provide information to determine if the criteria are met. This information must be included in the environmental case file.
- See *Mitigation Measures that require Studies* instructions above.
- Importantly, if the impact cannot be reduced to less than significant, the HE Checklist can still be used, and we can check that the mitigation measure is being imposed. The EIR and Council found that housing projects may have significant air construction impacts even with the imposition of this mitigation measure. Regardless, all feasible mitigation measures shall be imposed and required and the analysis from the air expert to be included in E.2

shall demonstrate why the impact cannot feasibly be reduced to less than significant level, including with the application of the measures listed in the mitigation measure.

4.2-2(b) Operational Emissions Reduction

Trigger	<ul style="list-style-type: none"> • 462 single-family homes or • 612 multi-family residential; or • the equivalent of one of the above.
---------	---

- For mixed-use projects, the applicant's air consultant will need to prepare an air quality analysis to provide the equivalent of the first two bullet points for the mixed-use project.
- See *Mitigation Measures that require Studies* instructions above.
- NOTE: if EPMs apply to the project site (Chapter 1A zoned site), the MM can be satisfied through compliance with the EPM. In the MMP, write, "The project shall comply with all applicable EPMs and EPM Guidelines." Any study required by an EPM shall be completed and any measures required through the EPM shall be imposed on the project as a project specific implementing MM.
- Importantly, note that if the impact cannot be reduced to less than significant, the HE Checklist can still be used, and we can check that the mitigation measure is being imposed. The EIR and Council found that housing projects may have significant operational air impacts even with the imposition of this mitigation measure. But, all feasible mitigation measures shall be imposed and required and the analysis from the air expert to be included in E.2 shall demonstrate why the impact cannot feasibly be reduced to less than significant, including with application of the measures listed in the mitigation measure.

4.2-3 Construction TAC Reduction Measure

Trigger	<p>Projects with anticipated construction duration greater than 18 months <u>and</u> located within 500 feet of a residence or other sensitive receptor.</p> <ul style="list-style-type: none"> ○ <u>BUT</u> no study will be required if the applicant accepts a condition of approval that they will use construction equipment that meets CARB tier 4 Final or USEPA Tier 4 off-road emissions for all equipment rated 50 horsepower or greater, and the condition of approval includes that a copy of each unit's specifications shall be available upon request.
---------	--

- If study is required, see Mitigation Measures that require Studies instructions above.
- If the applicant accepts the described condition of approval, include the COA in the MMP.
- Notwithstanding that the measure provides that the study needs to be done before the issuance of a building permit, this analysis should be done before the HE Checklist is completed.

4.3-1(a) Biological Resources Reconnaissance Survey and Reporting

Trigger	Project involves all of the following: <ul style="list-style-type: none">○ Vegetation removal, ground disturbance, or staging of vehicles, equipment, or materials and providing access routes○ On natural (native) or disturbed but undeveloped land○ As determined by Planning, including in consultation with CDFW, the land has the potential to support special-status species, contain sensitive habitat, or be within 300 feet of suitable habitat to support special-status species
---------	---

- See *Mitigation Measures that require Studies* instructions above.
- For the third condition above, check the ZIMAS data field “300-Foot Habitat Buffer” under the “Environmental” tab for all projects. If the data field says, “Yes,” and the other two conditions are met, then the MM is triggered.
- If necessary, a consultation with CDFW shall be arranged by Planning.

4.3-1(b) Sensitive Species/Habitat Avoidance: Pre-Construction Bird Nest Survey, Avoidance, and Notification

Trigger	Survey was required under 4.3-1(a) and the Survey identified sensitive species and/or habitat
---------	---

- See *Mitigation Measures that require Studies* instructions above.
- If necessary, a consultation with CDFW shall be arranged by Planning.

4.3-1(c) Focused Survey for Rare Plants

Trigger	Survey was required under 4.3-1(a) and the Survey indicates it is appropriate to prepare a focused survey for rare plants
---------	---

- See *Mitigation Measures that require Studies* instructions above.
- If necessary, a consultation with CDFW shall be arranged by Planning.

4.3-1(d) Adaptive Management Plan

Trigger	Survey or reconnaissance required by 4.3-1(a)(b) or (c) indicates it is appropriate to prepare an adaptive management plan.
---------	---

- See *Mitigation Measures that require Studies* instructions above.
- If necessary, a consultation with CDFW shall be arranged by Planning.

4.3-2(a) Habitat Mitigation and Monitoring Plan

Trigger	The project is in an area potentially containing sensitive natural community or jurisdictional waters and riparian habitats, including streams, wetlands, riparian habitats, and other water bodies.
---------	--

- If uncertain whether the project is in the described area, require a biological survey to determine if the project is located in such an area.
- See *Mitigation Measures that require Studies* instructions above.
- If necessary, a consultation with CDFW shall be arranged by Planning.

4.3-2(b) Protected Tree and Tree Canopy Survey

Trigger	Project is proposing to remove trees subject to the Protected Tree Ordinance, or is removing or planting any tree in the public right-of-way..
---------	--

- If this MM applies, an arborist shall tag and assess all trees subject to the City's Protected Tree Ordinance in a Tree Report and tree replanting plan and comply with all other requirements of the measure.
- If this measure applies, removal or planting of any tree in the public right-of-way requires approval of the Board of Public Works. All trees in the public right-of-way shall conform to the current standards of the Urban Forestry Division.
- If this MM applies, measures in the MM to avoid and/or compensate for potential construction impacts to sensitive natural communities shall be implemented.
- See *Mitigation Measures that require Studies* instructions above.

4.4-1(a) Identification of Built-Environment Historical Resources

Trigger	<p>There is a potential historical resource located on or near the project site:</p> <ul style="list-style-type: none">○ Survey LA shows resources that are potentially eligible for listing on the City, state, or national historical register, individually or as a contributor to a district.○ A different rigorous historical survey that has been reviewed by OHR and accepted by the City, such as one performed for a Community Redevelopment Agency, shows resources that are potentially eligible for listing on the City, state, or national historical register, individually or as a contributor to a district.○ Building or structure was not assessed in Survey LA (this includes resources in Survey LA listed with a QQQ code) but is 45 years or older.
---------	---

- If triggered, a historical resource assessment needs to be prepared to determine if there is a resource that meets the definition of a historical resource under PRC Section 21084.1.
- See *Mitigation Measures that require Studies* instructions above.

4.4-1(b)-4.4-1(j) – Various mitigation measures for a historical resource

Trigger	If required in a historical resource evaluation prepared under 4.4-1(a).
---------	--

- See *Mitigation Measures that require Studies* instructions above.

4.4-2 Archaeological Resources

Trigger	Project will involve ground disturbance in native soils or soils of unknown origin.
---------	---

- For projects that involve any grading, it is assumed that the project will trigger this measure. The applicant must provide evidence that they will not disturb any soils that were not previously disturbed by prior grading or excavation activities for this measure not to be triggered.
- If triggered, a cultural resource assessment addressing archaeological resources must be prepared to determine if any specific mitigation measures need to be imposed on the project. Even if the cultural resource assessment does not show the likelihood of finding resources, measures should be imposed to address inadvertent discovery.
- See *Mitigation Measures that require Studies* instructions above.
- NOTE: if EPMs apply to the project site (Chapter 1A zoned site), the MM can be satisfied through compliance with the EPM. In the MMP, write, “The project shall comply with all applicable EPMs and EPM Guidelines.”

4.5-1(a) Paleontological Procedures for Discretionary Projects

Trigger	Project will involve ground disturbance at depths greater than previously disturbed.
---------	--

- For projects that involve any grading, it is assumed that the project will trigger this measure. The applicant must provide evidence that they will not disturb any soils that were not previously disturbed by prior grading or excavation activities for this measure not to be triggered.
- If triggered, a resource assessment needs to be prepared to determine if any specific mitigation measures need to be imposed on the project, including monitoring. If the assessment finds there is not a likelihood of paleo resources being disturbed, nothing more to do with 4.5-1(a)-(c). So (a) will apply in Table D-1, but be satisfied by the assessment.
- If the assessment finds a medium to high potential for containing paleontological resources, a qualified paleontologist must prepare a monitoring plan and worker education plan.
- Completed reports, monitoring plans, and worker education plans shall be required in the MMP to be submitted by the applicant or consultant to the Project Planner.
- See *Mitigation Measures that require Studies* instructions above.
- NOTE: if EPMs apply to the project site (Chapter 1A zoned site), the MM can be satisfied through compliance with the EPM. In the MMP, write, “The project shall comply with all applicable EPMs and EPM Guidelines.”

4.5-1(b) and (c) Various Paleo Measures

Trigger	If required by the resource assessment required under 4.5-1(a).
---------	---

- NOTE: if EPMs apply to the project site (Chapter 1A zoned site), the MM can be satisfied through compliance with the EPM. In the MMP, write, “The project shall comply with all applicable EPMs and EPM Guidelines.”

4.5-1(d) Fossil Discovery, Salvage and Treatment

Trigger	Any projects that involve ground-disturbing activities of any kind.
---------	---

- This measure does not require any studies to complete the HE Checklist. It is an inadvertent discovery measure.
- NOTE: if EPMs apply to the project site (Chapter 1A zoned site), the MM can be satisfied through compliance with the EPM. In the MMP, write, “The project shall comply with all applicable EPMs and EPM Guidelines.”

4.7-2(a) Environmental Site Assessment

Trigger	<p>Applies to a project that is the following:</p> <ol style="list-style-type: none">1. Requires grading, excavation, or a building permit; and2. Located on or within 500 feet of a hazardous material site listed on:<ul style="list-style-type: none">• SWRCB GeoTracker (refer to https://geotracker.waterboards.ca.gov/);• DTSC EnviroStor (refer to https://www.envirostor.dtsc.ca.gov/public/);• DTSC Hazardous Waste Tracking System (refer to https://hwts.dtsc.ca.gov/);• LAFD Certified Unified Program Agency (refer to the active, inactive, and historical inventory lists at https://lafd.org/fire-prevention/cupa/public-records);• Los Angeles County Fire Department Health Hazardous Materials Division (refer to the active and inactive facilities, site mitigation, and California Accidental Release Prevention inventory lists at https://fire.lacounty.gov/public-records-requests);• SCAQMD Facility Information Detail (refer to https://xappprod.aqmd.gov/find); or<ul style="list-style-type: none">▪ Located on or within 500 feet of a Hazardous Materials site designated as a RCRA Small Quantity Generator or Large Quantity Generator (refer to the USEPA Envirofacts database at https://www.epa.gov/enviro); or▪ Located on an Oil Drilling District or located on or within 50 feet of a property identified as having an oil well or an oil field (active or inactive) by CalGEM (refer to
---------	---

	<p>https://www.conservation.ca.gov/calgem/Pages/WellFinder.aspx); or</p> <ul style="list-style-type: none"> ▪ Located on any land currently or previously designated with an industrial use class or industrial zoning; or ▪ Located on land currently or previously used for a gas station or dry-cleaning facility, or ▪ The Applicant or Owner are not aware or have reason to be aware that the Project site was previously used for industrial use, gas station, or dry-cleaner, or otherwise is contaminated with hazardous substances. <p>3. The site has not been previously remediated to the satisfaction of the relevant regulatory agency/agencies for any contamination associated with the above uses or conditions.</p> <p>4. The site has not been previously remediated to the satisfaction of the relevant regulatory agency/agencies for any contamination associated with the above uses or conditions.</p>
--	---

- If all available public sources have been checked to determine if the property meets any of the location criteria and it is not listed, the applicant shall commit in writing that they are not aware of the site being previously used for an industrial use, gas station or dry-cleaner or otherwise contaminated with hazardous substances. Any applicant signed affidavit should be included in the environmental case file.
 - See *Mitigation Measures that require Studies* instructions above.

4.7-2b Site Remediation and Health and Safety Plan

Trigger	If remediation is required under 4.7-2a.
---------	--

4.8-1 Drainage Pattern Alterations and Flood Control

Trigger	If DPW determines a study is required to study the drainage and flood flow.
---------	---

- This measure should only be triggered in the very unusual circumstance that DPW determines the standard regulations, including LID requirements, and the review is not adequate as related to flood control and drainage. Typically, existing regulations cover this impact, and a study will not be required. If DPW does not require a study, this mitigation measure does not apply.
- See *Mitigation Measures that require Studies* instructions above.

4.10-1(a) Noise Shielding and Silencing

Trigger	Any project that involves construction equipment.
---------	---

- NOTE: if EPMs apply to the project site (Chapter 1A zoned site), the MM can be satisfied through compliance with the EPM. In the MMP, write, “The project shall comply with all applicable EPMs and EPM Guidelines.”

4.10-1(b) Use of Driven Pile Systems

Trigger	Any project that involves construction equipment.
---------	---

- NOTE: if EPMs apply to the project site (Chapter 1A zoned site), the MM can be satisfied through compliance with the EPM. In the MMP, write, “The project shall comply with all applicable EPMs and EPM Guidelines.”

4.10-1(c) Enclosures and Screening

Trigger	All projects.
---------	---------------

- NOTE: if EPMs apply to the project site (Chapter 1A zoned site), the MM can be satisfied through compliance with the EPM. In the MMP, write, “The project shall comply with all applicable EPMs and EPM Guidelines.”

4.10-1(d) Construction Staging Areas

Trigger	Any project that involves construction activities.
---------	--

- NOTE: if EPMs apply to the project site (Chapter 1A zoned site), the MM can be satisfied through compliance with the EPM. In the MMP, write, “The project shall comply with all applicable EPMs and EPM Guidelines.”

4.10-1(e) Temporary Sound Barriers

Trigger	Any projects that involve construction activities.
---------	--

- NOTE: if EPMs apply to the project site (Chapter 1A zoned site), the MM can be satisfied through compliance with the EPM. In the MMP, write, “The project shall comply with all applicable EPMs and EPM Guidelines.”

4.10-1(f) Project-Specific Construction Noise Study

Trigger	Projects within 500 feet of a noise-sensitive use and involve at least one of the following:
---------	--

	<ul style="list-style-type: none"> ○ Two or more subterranean levels or 20,000 cubic yards or more of excavated material; ○ Construction duration (excluding architectural coatings) of 18 months or more; ○ Use of large, heavy-duty equipment rated 300 horsepower or greater; or ○ The potential for impact pile driving.
--	--

- Noise-sensitive uses include residences, transient lodging, schools, libraries, places of assembly, hospitals, nursing homes, auditoriums, concert halls, amphitheaters, playgrounds, and parks.
- See *Mitigation Measures that require Studies* instructions above.
- When preparing the study, the consultant should rely on the Planning Department's selected noise threshold, including the threshold recently adopted by the Director.
- NOTE: if EPMs apply to the project site (Chapter 1A zoned site), the MM can be satisfied through compliance with the EPM. In the MMP, write, "The project shall comply with all applicable EPMs and EPM Guidelines." If a study is required by the EPMs, complete the study before completing the checklist and add any measures identified as necessary to mitigate noise impacts in the study in the Project MMP as implementing MMs.

4.10-2 Project Specific Operational Noise Study

Trigger	Project includes a roof deck and/or pool deck that is not exclusively for the use of residents and their guests.
---------	--

- See *Mitigation Measures that require Studies* instructions above.
- Any impact analysis in the study should take into account the exemption for noise generated by residents and their guests in residential uses pursuant to Public Resources Code Section 21085.
- NOTE: if EPMs apply to the project site (Chapter 1A zoned site), the MM can be satisfied through compliance with the EPM. In the MMP, write, "The project shall comply with all applicable EPMs and EPM Guidelines." If a study is required by the EPMs, complete the study before completing the checklist and add any measures identified as necessary to mitigate noise impacts in the study in the Project MMP as implementing MMs.

4.10-3(a) Vibration Control Plan

Trigger	Project will involve vibratory rollers or sonic pile drivers within 50 feet of an extremely fragile building (non-engineered masonry) or a designated historical resource or resource identified in Survey LA as potentially eligible for designation.
---------	--

- See *Mitigation Measures that require Studies* instructions above.
- Note, this measure might not capture a "historical resource" under PRC Section 21084.1, but historical measures will, and if determined a historical resource, a mitigation plan is

required under the historical resource mitigation measure, which would include vibration mitigation.

- NOTE: if EPMs apply to the project site (Chapter 1A zoned site), the MM can be satisfied through compliance with the EPM. In the MMP, write, “The project shall comply with all applicable EPMs and EPM Guidelines.” If a study is required by the EPMs, complete the study before completing the checklist and add any measures identified as necessary to mitigate noise impacts in the study in the Project MMP as implementing MMs.

4.10-3(b) Vibration Mitigation

Trigger	Any projects that involve construction.
---------	---

- NOTE: if EPMs apply to the project site (Chapter 1A zoned site), the MM can be satisfied through compliance with the EPM. In the MMP, write, “The project shall comply with all applicable EPMs and EPM Guidelines.”

4.12-1(a)-(d) Various Fire Mitigation

Trigger	Project involves <ul style="list-style-type: none">○ More than 300 housing units <u>or</u> in a VHFHSZ or SRA; and○ LAFD finds review and requirements under Fire Code are not adequate to mitigate potential impacts based on unusual site, roadway, or project conditions.
---------	---

- If the project proposes more than 300 housing units, or if it is within a VHFHSZ, or if it is within a State Responsibility Area (SRA), then submit the plans to LAFD for review. If the requirements under the Fire Code are not adequate to avoid risk of fire based on unusual site-specific, area, roadway, or project characteristics, then this MM is triggered. Use the SRA Viewer on [Cal Fire’s website](#) to determine SRA areas.
- See *Mitigation Measures that require Studies* instructions above.

4.12-2(a) Crime Prevention Unit Consultation

Trigger	Project involving 300 units or on a site with more than 10 acres.
---------	---

4.12-2(b) Security During Construction

Trigger	Project involving 300 units or on a site with more than 10 acres.
---------	---

4.14-1 Construction Management Plan

Trigger	DOT determines project will have the potential to impact the circulation system even with the application of existing regulatory compliance measures.
---------	---

- This would only be triggered under rare circumstances, as LADOT's existing guidelines require a construction management plan for the Housing Development Project, and if LADOT finds the plan is adequate, this measure is not triggered.
- See *Mitigation Measures that require Studies* instructions above.

4.14-2 Transportation Demand Management Program

Trigger	Project will incur any VMT impacts under LADOT Transportation Assessment Guidelines, including through the use of the calculator or a separate study.
---------	---

- Determining if this measure applies requires analysis of VMT called for in E.1(g).
- See *Mitigation Measures that require Studies* instructions above.

4.15-1 Native American Consultation and Monitoring for Discretionary Projects

Trigger	Project will involve ground disturbance in previously undisturbed soils.
---------	--

- For projects that involve any grading, it is assumed that the project will trigger this measure. The applicant must provide evidence that they will not disturb any previously undisturbed soils that were not previously disturbed by prior grading or excavation activities to not trigger this measure.
- If triggered, tribal notification and consultation shall be conducted. Use a set of tribal consultation letter templates specific to the Housing Element CEQA Checklist, when available. A tribal cultural resource assessment needs to be prepared to determine if there is any potential for impacts on tribal cultural resources. If so, a Cultural Resources Monitoring Plan (CRMP) shall be prepared by a Qualified Archeologist.
- See *Mitigation Measures that require Studies* instructions above.

4.15-1(b) Discovery of Potential Tribal Cultural Resources

Trigger	All projects that involve ground-disturbing activities of any kind.
---------	---

- Even if the cultural resource assessment in MM 4.15-1(a) does not show the likelihood of finding resources, this measure should be imposed to cover inadvertent discovery.

4.17-1 Hillside Construction Staging and Parking Plan

Trigger	A project in an SRA or VHFHSZ <u>and</u> LAFD finds requirements put on the project pursuant to the Fire Code and other existing regulations are inadequate to avoid the risk of impairing an emergency response plan or emergency evacuation plan.
---------	---

- The risk is related to construction-related activities impairing emergency access.
- This is only triggered if the Fire Department does not find adequate existing requirements on the project from LAFD and DOT requirements.
- See *Mitigation Measures that require Studies* instructions above.

4.17-3 Undergrounding of Power Lines in and Near an SRA or VHFHSZ

Trigger	Project is located in or within one mile of an SRA or VHFHSZ.
---------	---

- SRA is a State Responsibility Area, where Cal Fire is the primary emergency response agency for fires.
- VHFHSZ is a Very High Fire Hazard Severity Zone.

“E” Finding that Site-Specific Effects from the Proposed Housing Project Were Analyzed in the Program EIR

Section E.1

Check the boxes as appropriate in the questions from a. through i. Based on those answers check the applicable box in the Conclusion. If we checked yes to any box in E.1(a) through (i), the conclusion should be that one or more questions are marked Yes and we will need an analysis done in E.2. Copies of any research run to answer these questions should be saved in the Environmental project file for the project. For example, any VMT calculator run should be included in the project file, or map pulled to locate if the property is near an Alquist-Priolo Map.

- Note for question (f), this refers to the map described in CEQA Guidelines, Appendix G at VII. Geology (b) - Division of Mines and Geology Special Publication 42 - it should be an active fault - active in the last 11,000 years. The SP 42 is found here: https://www.conservation.ca.gov/cgs/documents/publications/special-publications/SP_042-a11y.pdf. The DOC summary is the following: Alquist-Priolo earthquake fault zones are regulatory zones surrounding the surface traces of active faults in California. (A trace is a line on the earth's surface defining a fault.) Wherever an active fault exists, if it has the potential for surface rupture, a structure for human occupancy cannot be placed over the fault and must be a minimum distance from the fault (generally fifty feet). Earthquake fault zones were conceived in the Alquist-Priolo Earthquake Fault Zoning Act (Alquist-Priolo Act). The Alquist-Priolo Act intends to reduce losses from surface fault rupture. California created this law following the destructive 1971 San Fernando earthquake (magnitude 6.6), which was associated with extensive surface fault ruptures that

damaged numerous structures. ***An active fault, for the Alquist-Priolo Act, has ruptured in the last 11,000 years.***

This information is also noted on ZIMAS under the “Seismic Hazards” tab on the “Alquist-Priolo Fault Zone” response line.

- Question (h) is a catchall for a peculiar or unique project characteristic or site characteristic that could result in an impact that was not studied in the EIR. It should be noted that based on the broad scope of the case studies (see findings summary) relied on for analysis in the EIR, such an impact would likely be very unusual. The EIR and its case studies should be consulted to determine if something is peculiar or unique. Note, that the EIR considered and identified significant environmental impacts that can occur from housing development.

Section E.2.

Conduct any analysis required in the instructions in E.1 for any question answered yes. Any expert study required by a mitigation measure should be required and completed and any required mitigation measure plan should be provided by an expert. In E.2, the planner or consultant should summarize the findings from the study. Any required study, report, plan, assessment, program, or other document in its final form (accepted by the City) should be attached as Appendix “D”. Any analysis and conclusions in E.2 should be supported with evidence. All analysis should include a discussion, and ultimate conclusions, as to whether there will or will not be significant impact from the project including after imposition of any required mitigation measures, including any mitigation measures required or recommended by any study. If more space is needed, analysis can be added to Appendix “C”; check the box that analysis will be provided in Appendix “C”.

CEQA Guidelines Section 15060 provides that the City is allowed to request more information from an applicant, even for an application deemed complete, if needed for an evaluation of environmental impacts. This includes the use of this Housing Element Project Checklist Form.

When reviewing these reports, the Department, as the lead agency, has the authority to inform the applicant that the report is not adequate if anything needs to be revised due to errors or conflicts. Technical studies should also either be dated within 12 months of the decision-making date, or, if older, updated or revised within the previous 12 months. These documents belong to the City and must reflect the independent judgment of the City, and the project planner shall ensure all CEQA documents reflect that independent judgment.

The information in the technical studies should then be written as a narrative analysis that answers each question in section E.1 of the Checklist. It is not necessary for the analysis to be as lengthy or detailed as the analysis that would appear in an Initial Study, MND, or EIR, but it must have enough information to support any conclusions made.

After completing and writing up the necessary analysis (add as many required pages as needed in an appendix), follow the instructions in E.2 to determine if the impacts of the Proposed Housing Project are within the scope of the Housing Element EIR. Check the appropriate box in the Conclusion section of Section E.2. If one or more impacts are outside the scope of the Housing Element EIR, a

tiered mitigated negative declaration or EIR will need to be prepared for that impact. The filled-out HE Checklist and the record can be relied on to clear all other impacts. If the first box in the Conclusion of Section E.2 is checked, you can rely on the HE Checklist to clear the CEQA for the Proposed Housing Project.

C. FINDING, NOTICE, AND ACTION LANGUAGE for the Housing Element Project Checklist Form

The following Staff Report, Notice and Action language shall be used only in the circumstance where the HE Checklist Form is used to clear the entire project and a tiered clearance is not required.

1. Findings for Staff Report:

The proposed project was found to be within the scope of the 2021-2029 Housing Element Environmental Impact Report (EIR), SCH No. 2021010130, ENV-2020-6762-EIR, certified on November 24, 2021 (Housing Element EIR), inclusive of adopted Addenda (ENV-2020-6762-EIR-ADD1 and ENV-2020-6762-EIR-ADD2). The proposed project, which includes the development of _____, is within the scope of the 2021-2029 Housing Element as it will build out the City's regional housing needs assessment (RHNA) of 456,643 housing units. A CEQA Checklist for a Project Within the Scope of the Housing Element Program EIR, ENV Case No. _____ (HE Checklist), was prepared for the proposed project, pursuant to CEQA Guidelines Section 15168(c). Section 15168(c) provides for limited environmental review of subsequent projects under a Program EIR, where the project is found to be an activity within the scope of the program for which the EIR was prepared and the impacts of the project are within the scope of the impacts analyzed in the EIR. Council found that the Housing Element EIR analyzed the impacts of the build-out of the RHNA, which involves the development of housing citywide. The HE Checklist was prepared by staff to determine whether the impacts of the proposed project are within the scope of the Housing Element EIR. The prepared HE Checklist supports that the impacts of the proposed project are within the scope of the Housing Element EIR and that no significant environmental effects not examined in the Program EIR will occur from the proposed project. All required mitigation measures from the Housing Element EIR Mitigation Monitoring Program (MMP) will be imposed on the proposed project. An MMP for the proposed project has been prepared for adoption by the decisionmaker.

2. Notice Language:

The Proposed Project is within the scope of the program approved in the 2021-2029 Housing Element, and the 2021-2029 Housing Element Environmental Impact Report No. ENV-2020-6762-EIR; SCH No. 2021010130 (EIR), certified on November 24, 2021, adequately describes the activity for the purposes of CEQA.

3. Agenda and Action Language:

DETERMINE in the independent judgment of the decisionmaker, pursuant to CEQA Guidelines Section 15168(c), based on the whole of the administrative record, including the Housing

Element Checklist, and all its appendices, prepared for this Proposed Housing Project, the Proposed Housing Project is within the scope of the program approved with the 2021-2029 Housing Element for which the 2021-2029 Housing Element Environmental Impact Report No. ENV-2020-6762-EIR; SCH No. 2021010130 (EIR), was certified on November 24, 2021, and Addendum No. ENV-2020-6762-EIR-ADD1 was adopted on June 14, 2022 and the Addendum No. ENV-2020-6762-EIR-ADD2 was adopted on December 10, 2024, the Proposed Housing Development project was adequately described in the EIR, and the impacts of the Proposed Housing Project are within the scope of the EIR and the Addendum; and ADOPT the Mitigation Monitoring Program (MMP) for the Proposed Housing Project.