



# WEST LOS ANGELES AREA PLANNING COMMISSION

200 North Spring Street, Room 272, Los Angeles, California, 90012-4801, (213) 978-1300

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## LETTER OF DETERMINATION

Mailing Date: **AUG 07 2020**

**CASE NO. ZA-2012-3354-CUB-CU-CDP-MEL-WDI-SPP-SPR-1A** Council District: 11 - Bonin  
CEQA: ENV-2016-4321-EIR; SCH No. 2016-061-033  
Plan Area: Venice

**Project Site:** 1011 Electric Avenue; 1021-1051 South Abbot Kinney Boulevard

**Applicant:** Dan Abrams and Steve Edwards, Wynkoop Properties LLC  
Representative: Dana Sayles, ThreeSixty

**Appellant 1:** Yelena Zeltser, Unite Here Local 11  
Representative: Jordan R. Sisson, Law Office of Gideon Kracov

**Appellant 2:** 1041 Abbot Kinney LLC / Abbot Kinney Investment Property LLC  
Representative: Carl Lisberger, Manatt, Phelps & Phillips LLP

**Appellant 3:** Keep Neighborhoods First  
Representative: John Given, Law Office of John P. Given

**Appellant 4:** Citizens Preserving Venice and Sue Kaplan

At its meeting of **July 15, 2020**, the West Los Angeles Area Planning Commission took the actions below in conjunction with the approval of the following Project:

The site currently contains 12,560 square feet of existing development comprised of three restaurants totaling 7,444 square feet, a 1,572 square-foot private school, 3,544 square feet of office space (of which 1,344 square feet will be retained), 2,963 square feet of existing outdoor landscaped area used as a retail nursery (the Sculpture Garden), and a 60-space surface parking lot.

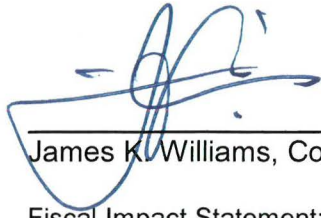
The project proposes the demolition of one 2,442 square-foot restaurant, the existing private school, 2,200 square feet of office space, and the surface parking lot; and the construction, use, and maintenance of a 70,310 square-foot, mixed-use development (includes existing and new floor area). The mixed-used development is comprised of two existing restaurants and a new 3,810 square-foot hotel restaurant having 2,514 square-feet of Service Floor area, four dwelling units, 78 guest rooms within a hotel, 2,935 square feet of ground floor retail space including a market with 170 square feet of Service Floor area, a 1,735 square-foot spa, and 2,027 square feet of office use. The project will construct three new three-story mixed-use buildings, each with a maximum of 30 feet in height, and one new two-story building, approximately 25 feet in height; all new structures are connected by pedestrian bridges. The project provides a total of 175 parking spaces, at grade and within three subterranean levels. The project also requires excavation, grading, and approval of a haul route for the export of approximately 24,591.65 cubic yards of dirt.

1. **Determined**, pursuant to Section 21082.1(c) and 21081.6 of the California Public Resources Code, the Zoning Administrator has reviewed and considered the information contained in the Environmental Impact Report prepared for this project, which includes the Draft EIR, No. ENV-2016-4321-EIR (SCH No. 2016061033) dated January 10, 2019, and the Final EIR, dated July 3, 2019 (Venice Place Project EIR), as well as the whole of the administrative record;  
Certified the following:
  - (a) The Venice Place Project EIR has been completed in compliance with the California Environmental Quality Act (CEQA);
  - (b) The Venice Place Project EIR was presented to the Zoning Administrator as the decision-making body of the lead agency; and
  - (c) The Venice Place Project EIR reflects the independent judgment and analysis of the lead agency; and
 Adopted all of the following:
  - (a) The related and prepared Venice Place Project Environmental Findings;
  - (b) The Statement of Overriding Considerations; and
  - (c) The Mitigation Monitoring Program prepared for the Venice Place Project EIR;
2. **Denied** the appeals and sustained the March 12, 2020 Zoning Administrator's Determination;
3. **Approved**, pursuant to Section 12.24 W.1 of the Los Angeles Municipal Code (LAMC), a Conditional Use Permit authorizing (a) the sale and dispensing of a full line of alcohol beverages for on-site consumption in conjunction with a proposed hotel restaurant having 195 indoor seats and 65 outdoor seats, operating 24 hours and serving alcohol between the hours of 7:00 a.m. to 1:00 a.m., (b) the sale and dispensing of a full line of alcohol beverages for on-site and off-site consumption in conjunction with a market within the hotel, operating between the hours of 7 a.m. to 1 :00 a.m., (c) a full line of alcohol beverages provided in individual hotel room's liquor cabinets, (d) the sale of a full line of alcohol beverages by hotel guest room services, and (e) the on-site consumption of alcohol in the hotel lobby, outdoor courtyard, hotel lounge areas, and hotel business center;
4. **Approved**, pursuant to LAMC Section 12.24 W.24, a Conditional Use Permit to allow a Hotel located within 500 feet of a Residential Zone;
4. **Approved**, pursuant to LAMC Section 12.20.2, a Coastal Development Permit for the Proposed Project in the Single Permit Jurisdiction of the California Coastal Zone;
5. **Approved**, pursuant to LAMC Section 16.05 C.1(b), a Site Plan Review for the construction of a mixed-use project comprised of more than 50 guest rooms;
6. **Approved**, pursuant to LAMC Section 11.5.7, a Project Permit Compliance Review for a project within the North Venice Subarea of the Venice Coastal Zone Specific Plan;
7. **Approved**, pursuant to LAMC Sections 65590 and 65590.1 of the California Government Code, a Mello Act Compliance review for a project located within the Coastal Zone;
8. **Approved**, pursuant to LAMC Section 12.37 I.3, a Waiver of Dedication and/or Improvements to provide a 5-foot dedication on Electric Avenue in lieu of the 7.5 feet otherwise required and to provide a 2-foot dedication on Westminster Avenue in lieu of the 5 feet otherwise required;
9. **Adopted** the attached Conditions of Approval as modified by the Commission; and
10. **Adopted** the attached amended Findings.

This action was taken by the following vote:

Moved: Newhouse  
 Second: Yellin  
 Ayes: Waltz Morroco  
 Absent: Margulies, Rozman

**Vote: 3 – 0**



James K. Williams, Commission Executive Assistant II

Fiscal Impact Statement: There is no General Fund impact as administrative costs are recovered through fees.

**Effective Date/Appeals:** The decision of the West Los Angeles Area Planning Commission is final upon the mailing date of this letter.

Notice: An appeal of the CEQA clearance for the Project pursuant to Public Resources Code Section 21151(c) is only available if the Determination of the non-elected decision-making body (e.g., ZA, AA, APC, CPC) **is not further appealable** to a City body, and the decision is final. The applicant is advised that any work undertaken while the CEQA clearance is on appeal is at his/her/its own risk and if the appeal is granted, it may result in (1) voiding and rescission of the CEQA clearance, the Determination, and any permits issued in reliance on the Determination and (2) the use by the City of any and all remedies to return the subject property to the condition it was in prior to issuance of the Determination.

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

Attachment: Modified Conditions of Approval, Amended Findings, Mitigation Monitoring Program

c: Theodore Irving, Associate Zoning Administrator  
Juliet Oh, Senior City Planner

## CONDITIONS

As modified by the West Los Angeles Area Planning Commission on July 15, 2020

1. All other use, height and area regulations of the Municipal Code and all other applicable government/regulatory agencies shall be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.
2. The use and development of the property shall be in substantial conformance with the plot plan submitted with the application and marked Exhibit "A", except as may be revised as a result of this action.
3. The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the Zoning Administrator to impose additional corrective Conditions, if, in the Administrator's opinion, such Conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
4. All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.
5. A copy of the first page of this grant and all Conditions and/or any subsequent appeal of this grant and its resultant Conditions and/or letters of clarification shall be printed on the building plans submitted to the Development Services Center and the Department of Building and Safety for purposes of having a building permit issued.

### **Entitlement Conditions**

6. **Uses.** The project shall be limited to a mixed-use development comprised of the following:
  - a. A hotel with up to a maximum of 78 guest rooms and, a minimum of 4 dwelling units. The dwelling units shall be used for long-term stay; transient occupancy shall not be permitted in the dwelling units.
  - b. One new 3,810 square-foot hotel restaurant, limited to a maximum of 2,514 square feet of Service Floor Area (dining area), as shown on Sheet X2 and X3 of "Exhibit A."
    - i. Table service shall be prohibited in the outdoor courtyard.
  - c. A hotel market limited to a maximum of 2,935 square feet, having 170 square feet of Service Floor Area.
  - d. Office uses limited to a maximum of 2,027 square feet.
  - e. Spa facilities limited to a maximum of 1,735 square feet.
7. **Hours of Operation.** The hours of operation of the hotel shall be 24 hours, daily. The hotel restaurant and market shall be limited to 7:00 A.M. to 1:00 A.M.
8. **Residential Setback.** The dwellings units shall observe a 5-foot minimum setback from the proposed property line.

9. **Groundfloor Commercial Development.** As shown on Sheet 1018 and 1019 of “Exhibit A”:
- a. A street wall shall extend for at least 65 percent of the building frontage and shall have a minimum height of 13 feet. At least 50 percent of the ground floor street wall shall be devoted to pedestrian entrances, display windows or windows offering views into retail, office gallery or lobby space.
  - b. Large expanses of glass shall be subdivided into units not larger than six-feet wide and separated by the mullions.
  - c. No store front windows shall be lower than 12 inches above sidewalk grade and shall not extend to the ceiling height. The windows shall have a solid base surfaced with high quality materials, such as a ceramic tile, marble, granite, limestone, slate, brick, wood or similar materials.
10. **Height.** The project shall be limited to a maximum flat roof height limit of 30 feet, as measured from the midpoint of the centerline of Electric Avenue or Abbot Kinney Boulevard, whichever street is lowest in elevation, to the top edge of the roof parapet.
11. **Roof Access Structures.** Roof Access Structures (RAS) may exceed the maximum flat roof height of 30 feet by 10 feet. The area within the outside walls shall not exceed 100 square feet as measured from the outside walls.
12. **Rooftop Equipment.** Chimneys, exhaust ducts, ventilation shafts and other similar devices essential for building function may exceed the height limit by a maximum of five feet. Any structures on the roof, such as air conditioning units and other equipment, shall be fully screened from view of any abutting properties and the public right-of-way. All screening shall be setback at least five feet from the edge of the building
13. **Rooftop Deck.** Railings used on the proposed rooftop decks shall be of an open design and shall be limited to a height of 42 inches. Solid glass railing shall count towards the measurement of the building’s height.
- a. Use of the rooftop decks shall be restricted to hotel guests and employees.
    - i. Pool deck hours shall be limited to 6:00 am-11:00 pm.
    - ii. Use of the pool shall be limited the hours of 6:00 am-10:00 pm.
  - b. The roof top deck area, along Westminster Avenue, shall be stepped back a minimum of 12 feet from the property line. The rooftop deck area along Broadway shall be stepped back a minimum 12 feet from the property line.
  - c. No other roof top deck shall be permitted.
  - d. As shown on Sheet No. 1017 of “Exhibit A”, solar panels or a 2,128 square-foot rooftop garden may be installed within the step-back area along Electric Avenue.
14. **Floor Area Ratio (FAR).** The project shall be limited to a maximum FAR of 1.5:1 and comprised of both commercial and residential uses (dwelling units). A minimum of four

dwelling units shall be provided.

15. **Parking.** A minimum of 184 vehicle parking spaces shall be provided onsite. Off-site parking shall be prohibited for the purposes of meeting the parking requirements of the LAMC and Specific Plan.

- a. Parking for the new mixed-use development shall be as follows:

USE	PARKING STANDARD	PROJECT	REQUIRED
Hotel	2 spaces; <i>plus</i>		2 spaces
Dwelling Unit	2 spaces per DU; <i>plus</i>	4 dwelling units	8 spaces
Guest Room	1 space per guest room (first 30 rms); <i>plus</i> 1 space per 2 guest rooms (31-60 rms); <i>plus</i> 1 space per 3 guest rooms (60+ rms); <i>plus</i>	78 guest rooms	51 spaces
Service Floor Hotel Restaurant	1 space per 100 SF of floor area used for consumption of food or beverages.	2,514 SF Service Floor	25 spaces
Office	1 space per 250 SF	2,027 SF	8 spaces
Spa	1 space per 250 SF	1,735 SF	7 spaces
Retail	1 space per 225 SF	2,935 SF	13 spaces
(w/ seating)	1 space per 50 SF	170 SF	3 spaces
Beach Impact Zone	1 space per 640 SF of ground floor area	14,256.75 SF	22 spaces
			139 spaces
<i>Existing Restaurants</i>	<i>1 space per 50 SF of Service Floor Area</i>	<i>2,268 SF</i>	<i>45 spaces</i>
<b>Total Automobile Parking Spaces</b>			<b>184 spaces</b>

- b. Parking design and layout shall be subject to review and approval by LADBS and include the ability to accommodate electric vehicle supply equipment (EVSE).
- c. All required parking for the existing restaurants located at 1021-1029 Abbot Kinney Boulevard shall be maintained and provided in conjunction with the proposed project, as determined by the Department of Building and Safety (LADBS).
- d. Vehicle access shall be provided along Electric Avenue. The project's driveway design and internal circulation pattern shall be approved by the Department of Transportation prior to the issuance of a building permit. A copy of the approved circulation plan shall be submitted to the Department of City Planning to be placed in the subject case file.
- e. Bicycle parking shall be provided in conformance with the LAMC.
- f. Employees shall be prohibited from parking vehicles within the adjoining residential neighborhoods.

- g. The required parking spaces may be replaced with bicycle parking, at a ratio of one standard or compact automobile parking space for every four bicycle parking spaces, as provided in LAMC Section 12.21-A.4.
  - h. BIZ Parking. In lieu of physically providing the spaces, a fee of \$18,000.00 per space may be paid for up to 50 percent of the total number of required BIZ parking spaces. All fees shall be paid into the Venice Coastal Parking Impact Trust Fund.
16. **Valet Parking.** All valet parking operations shall be conducted onsite; the queuing of vehicles shall be prohibited in the public right of way. These limitations shall not apply to the existing valet operation on Abbot Kinney Boulevard. Queuing shall not be permitted beyond the property line on Abbot Kinney.
- a. Primary valet operations shall be provided on a 24-hour basis at the existing Main Valet Area on Electric Avenue.
  - b. Additional valet operations shall be provided, starting at 5:00 PM daily, at the Secondary Valet Area on Abbot Kinney Boulevard. The Secondary Valet Area shall be designated as the curbside space between Broadway Street and the Project property line with 1039 Abbot Kinney Boulevard.
  - c. Use of the Secondary Valet Area shall be permitted prior to 5:00 PM consistent with Condition 38 related to Private Hosted Events.
  - d. Valet parking shall be provided to restaurant patrons. The availability of said validated parking and the location of said parking shall be made known to the public via the restaurant menu, a posting of the information at readily visible locations and on the restaurant website. The applicant shall provide a copy of the menu, signs or web page, for inclusion in the case file.
  - e. A single valet operator shall be on-site who shall be responsible for enforcement of any conditions of this action regarding valet parking.
  - f. Valet parking shall be required to obtain all applicable licenses and/or permits from the Department of Transportation and the Los Angeles Police Department. Proof of licenses and/or permits shall be submitted to the Department of City Planning.
  - g. A valid valet parking contract in compliance with this condition shall be submitted to the Department of City Planning. The contract shall be maintained for the life of this grant and shall include the hours of valet service and the number of valet attendants to be provided as well as the valet parking locations. If the valet operator is replaced, a copy of the replacement contract shall be provided to the Development Services Center within 30 days upon execution of the new contract.
  - h. The valet operator shall be required to obtain a valid LAPD Commission Investigation Division (CID) Valet Operator Permit pursuant to LAMC Section 103.203 (b) and each valet attendant shall have a valid CID permit along with a valid California Driver License in their possession while on duty.



Note: Prior to providing valet services, the applicant should e-mail [laoadot.valetop@lacity.org](mailto:laoadot.valetop@lacity.org) to begin the application process, review, and approval of valet operations.

- i. Valet service shall not utilize any local streets for the parking of any vehicles at any time.
  - j. The applicant shall utilize social media, webpages, or other media to provide travel information to the restaurant. Such information shall promote the use of alternate travel means to automotive transportation (walk, bike, public transit, rideshare/service, or carpool). For any patrons desiring to drive a personal vehicle to the venue, parking information must direct them to either use the valet service or park on surface streets within the commercial district (i.e. Abbot Kinney Boulevard).
17. **Loading.** Pursuant to LAMC Section 12.21 C.66, all required loading areas shall be provided onsite. Commercial loading shall be prohibited along Broadway. An existing passenger loading area shall be maintained on Abbot Kinney Boulevard, subject to review by the Department of Transportation.
18. Trash pick-up, compacting, loading and unloading and receiving activities shall be limited to 7 a.m. to 6 p.m. Monday through Friday and 10 a.m. to 4 p.m. on Saturday. No deliveries or trash pick-up shall occur on Sunday. Deliveries and trash pick-up shall be coordinated with vendors and trash companies so that these activities are not conducted within one-hour of the start time of Westminster Elementary School or within one hour of the end time of regular school hours.
19. **Dedications and Improvements.** Dedications and improvements shall be determined by the BOE, except as follows:
  - a. A 5-foot dedication shall be required on Electric Avenue, in lieu of the otherwise required 7.5 feet. A 2.5-foot-wide groundfloor public sidewalk easement shall be provided adjoining the dedication.
  - b. A 2-foot dedication shall be required on Westminster Avenue in lieu of the otherwise required 5 feet.
20. **Single Permit Jurisdiction Area.** The project is located within the Single Permit Jurisdiction area of the California Coastal Zone. The applicant shall provide a copy of the Coastal Commission's Notification that the City's coastal development permit is effective.
21. Prior to the effectuation of this grant, a covenant acknowledging and agreeing to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement (standard master covenant and agreement form CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement with the conditions attached must be submitted to the Department of City Planning for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided for inclusion in case file. Fees required per L.A.M.C Section 19.01-E,3 for Monitoring of Conditional Use Permits and Inspection and Field Compliance Review of Operations shall be paid to the City prior to the final clearance of this condition.



**Alcoholic Beverage Conditions**

22. Authorized herein is the sale and dispensing of a full line of alcoholic beverage for on-site consumption, in conjunction with a new hotel and a 3,810 square-foot hotel restaurant; the sale and dispensing of a full line of alcoholic beverage for on-site and off-site consumption in conjunction with a 2,935 square-foot hotel market.

Subject to the following limitations:

- a. Hotel. Alcoholic beverages may be served between the hours of 7:00 A.M. to 1:00 A.M. in the hotel lobby, outdoor courtyard, hotel lounge areas, and hotel business center. Alcoholic beverages may be provided within in hotel guest rooms in liquor cabinets and by hotel guest room services.
  - b. Hotel Restaurant. The hours of operation shall be limited to 7:00 A.M. to 1:00 A.M. The restaurant shall be limited to 2,514 square feet of Service Floor Area, having a maximum of 195 indoor seats and 65 outdoor seats, provided that number of seats does not exceed the maximum allowable occupant load as determined by the Department of Building and Safety.
  - c. Hotel Market. The hours of operation shall be limited to 7:00 A.M. to 1:00 A.M. The onsite consumption of alcoholic beverages within the 2,935 square-foot market shall be limited to a seating areas limited to 170 square feet of Service Floor Area.
23. No after-hours use is permitted, except routine clean-up. This provisions includes but is not limited to private or promotional events, special events, excluding any activities which are issued film permits by the City.
24. A camera surveillance system shall be installed and operating at all times to monitor the interior, entrance, exits and exterior areas, in front of and around the premises. Recordings shall be maintained for a minimum period of 30 days and are intended for use by the Los Angeles Police Department.
25. **Complaint Log.** A telephone number and email address shall be provided for complaints or concerns from the community regarding the operation. The phone number and email address shall be posted at the following locations:
- a. Entry, visible to pedestrians
  - b. Customer service desk, front desk or near the reception area.

Complaints shall be responded to within 24-hours. The applicant shall maintain a log of all calls and emails, detailing: (1) date complaint received; (2) nature of complaint, and (3) the manner in which the complaint was resolved.

26. **STAR/LEAD/RBS Training.** Within the first six months of operation, all employees involved with the sale of alcohol shall enroll in the Los Angeles Police Department "Standardized Training for Alcohol Retailers" (STAR) or Department of Alcoholic Beverage Control "Licensee Education on Alcohol and Drugs" (LEAD) training program or the Responsible Beverage Service (RBS) Training Program. Upon completion of such training, the applicant shall request the Police Department or Department of Alcohol Beverage Control to issue a letter identifying which employees completed the training.

STAR or LEAD or RBS training shall be conducted for all new hires within three months of their employment.

27. The applicant shall be responsible for monitoring both patron and employee conduct on the premises and within the parking areas under his/her control to assure such conduct does not adversely affect or detract from the quality of life for adjoining residents, property owners, and businesses.
28. Loitering is prohibited on or around these premises or the area under the control of the applicant. "No Loitering or Public Drinking" signs shall be posted in and outside of the subject facility.
29. At least one on-duty manager with authority over the activities within the facility shall be on the premises during business hours. The on-duty manager's responsibilities shall include the monitoring of the premises to ensure compliance with all applicable State laws, Municipal Code requirements and the conditions imposed by the Department of Alcoholic Beverage Control (ABC) and the conditional use herein. Every effort shall be undertaken in managing the subject premises and its facilities to discourage illegal and criminal activities and any exterior area over which the building owner exercises control, in effort to ensure that no activities associated with such problems as narcotics sales, use or possession, gambling, prostitution, loitering, theft, vandalism and truancy occur.
30. The applicant shall be responsible for maintaining the premises and the adjoining sidewalk free of debris or litter.
31. Coin operated game machines, pool tables or similar game activities or equipment shall not be permitted. Official California State lottery games and machines may be allowed.
32. An electronic age verification device shall be purchased and retained on the premises to determine the age of any individual and shall be installed on at each point-of-sales location. This device shall be maintained in operational condition and all employees shall be instructed in its use.
33. Smoking tobacco or any non-tobacco substance, including from electronic smoking devices, is prohibited in or within 10 feet of the outdoor dining areas in accordance with Los Angeles Municipal Code Section 41.50 B 2 C. This prohibition applies to all outdoor areas of the establishment if the outdoor area is used in conjunction with food service and/or the consumption, dispensing or sale of alcoholic or non-alcoholic beverages.
34. The applicant(s) shall comply with 6404.5(b) of the Labor Code, which prohibits smoking within any place of employment. The applicant shall not possess ashtrays or other receptacles used for the purpose of collecting trash or cigarettes/cigar butts within the interior of the subject establishment.
35. **Designated Driver Program.** Prior to the utilization of this grant, the applicant shall establish a "Designated Driver Program" which shall include, but not be limited to, signs/cards, notation on websites/social media, notifying patrons of the program. The signs/cards/website/social media shall be visible to the customer and posted or printed in prominent locations or areas. These may include signs/cards on each table, at the entrance, at the host station, in the waiting area, at the bars, or on the bathrooms, or a statement in the menus, a website, or on social media.

36. Any music, sound or noise which is under control of the applicant shall not violate Sections 112.06 or 116.01 of the Los Angeles Municipal Code (Citywide Noise Ordinance). At any time, a City representative may visit the site during operating hours to measure the noise levels. If, upon inspection, it is found that the noise level exceeds those allowed by the citywide noise regulation, the owner/operator will be notified and will be required to modify or eliminate the source of the noise or retain an acoustical engineer to recommend, design and implement noise control measures within property such as, noise barriers, sound absorbers or buffer zones.
37. Adult Entertainment of any type pursuant to LAMC Section 12.70 shall be prohibited.
38. **Private Events.** Any use of the restaurant for private events, including corporate events, birthday parties, anniversary parties, weddings or other private events which are not open to the general public, shall be subject to all the same provisions and hours of operation stated herein.
- Not more than one hosted event shall be permitted on-site at any given time.
  - Except in accordance with the conditions in the table below, no private hosted events shall be permitted between 3:00 p.m. and 6:00 p.m. on weekdays or shall start or end between 12:00 p.m. and 2:00 p.m. on weekends unless 1) a temporary special event permit is obtained from the City and 2) off-site parking is provided per the table below. Private hosted events shall adhere to the following:

	Maximum Event Size; no off-site parking	Maximum Event Size (minimum 4 valet on Abbot Kinney)	Maximum Event Size (minimum 8 valet on Abbot Kinney)
Weekday p.m. peak (3:00 - 6:00 pm)	Not permitted	Not permitted	Not permitted
Weekday non-p.m. peak	58 people	93 people; 28 cars parked off-site	131 people; 46 cars parked off-site
Weekend peak (12:00 - 2:00 p.m.)	Not permitted*	45 people; 23 cars parked off-site	Not permitted*
Weekend non-peak	43 people	78 people; 23 cars parked off-site	112 people; 46 cars parked off-site
* Private hosted events would be permitted so long as it includes a partial restaurant buy-out commensurate with the size of the hosted event.			

39. The restaurant establishments shall be maintained as a bona fide eating place with an operational kitchen and shall provide a full menu containing an assortment of foods normally offered in such restaurants. Food service shall be available at all times during operating hours. The restaurant establishment shall provide seating and dispense food and refreshments primarily for consumption on the premises. Food or refreshments solely for the purpose of takeout or delivery shall be prohibited.
40. Partitions separating booth/dining areas shall not exceed 54 inches in height. No obstructions shall be attached, fastened or connected to the booths/dining areas within the interior space of the facility that restrict, limit or obstruct the clear observation of the occupants.

41. No enclosed room, other than restrooms, intended for use by patrons or customers shall be permitted. No private dining room with a separate access door shall be permitted.
42. No conditional use for dancing has been requested or approved herein. Dancing is prohibited.
43. There shall be no live entertainment or amplified music on the premises. There shall be no karaoke, disc jockey, topless entertainment, male or female performers or fashion shows.
44. Entertainment in conjunction with the restaurant is limited to ambient music to compliment the dining experience, shall be limited to background music at a low volume. Independent, professional or amateur disc jockeys are not allowed.
45. Entertainment in conjunction with the restaurant is limited to a live band without amplified sound (acoustic). Amplified ambience music played by restaurant employees to compliment the dining experience, shall be limited to background music at a low volume. Independent, professional or amateur disc jockeys are not allowed.
46. All entertainment shall be conducted within a wholly enclosed building; there shall be no live entertainment or dancing in the outdoor patio area, roof top decks, or roof top garden area at any time.
47. Speakers or amplified sound in the outdoor dining area, roof top decks, or roof top garden area shall be prohibited.

### **Environmental Conditions**

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

The Construction Monitor shall also prepare documentation of the Applicant's compliance with the PDFs and MMs during construction every 90 days in a form satisfactory to the Department of City Planning. The documentation must be signed by the Applicant and Construction Monitor and be included as part of the Applicant's Compliance Report. The Construction Monitor shall be obligated to immediately report to the Enforcement Agency any non-compliance with the MMs and PDFs within two businesses days if the Applicant does not correct the non-compliance within a reasonable time of notification to the Applicant by the monitor or if the non-compliance is repeated. Such non-compliance shall be appropriately addressed by the Enforcement Agency.

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

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

## FINDINGS

As amended by the West Los Angeles Area Planning Commission on July 15, 2020

### Conditional Use Permits

The proposed mixed use development requests a Conditional Use Permit pursuant to LAMC Section 12.24-W.1 to allow the (a) the sale and dispensing of a full line of alcohol beverages for on-site consumption in conjunction with a proposed hotel restaurant having 195 indoor seats and 65 outdoor seats, operating 24 hours and serving alcohol between the hours of 7:00 A.M. to 1:00 A.M., (b) the sale and dispensing of a full line of alcohol beverages for on-site and off-site consumption in conjunction with a market within the hotel, operating between the hours of operating 24 hours and serving alcohol between the hours of 7:00 A.M. to 1:00 A.M., (c) the sale and dispensing of a full line of alcohol beverages for on-site and off-site consumption in conjunction with a market within the hotel, operating between the hours of 7:00 A.M to 1:00 A.M, (d) a full line of alcohol beverages provided in individual hotel room's liquor cabinets, (e) the sale of a full line of alcohol beverages by hotel guest room services, (f) and the on-site consumption of alcohol in the hotel lobby, outdoor courtyard, hotel lounge areas, and hotel business center; and (g) pursuant to LAMC Section 12.24-W.24 to allow a hotel within 500 feet of a residential zone. The following is a delineation of the findings and the application of the relevant facts.

### Conditional Use Permit Findings

1. **The project will enhance the built environment in the surrounding neighborhood or will perform a function or provide a service that is essential or beneficial to the community, city or region.**

The project site is developed with a 60-space, surface parking lot, three residential structures, and three commercial structures. The proposed project will retain two commercial structures (restaurant uses) along the southwest portion of the site, remove the parking lot and residential structures, and construct a new three-story, 70,310 square-foot, mixed-use development comprised of a hotel (four dwelling units and 78 guest rooms) and groundfloor commercial uses, providing a total of 184 parking spaces for the existing uses and the proposed developments on the project site. The proposed hotel will be located within 500 feet of a residential zone, approximately 40 feet south of the RD1.5-1 multi-family residential zone. The project includes a new two-story, 3,810 square-foot restaurant with 1,829 square feet of interior Service Floor area and 684.5 square feet of outdoor Service Floor area, and a new 2,935 square-foot market (retail) with 150 square feet of Service Floor area.

The proposed project will enhance the build environment by introducing visitor-serving uses such as restaurants and a market (retail) and providing overnight visitor-serving uses (guest rooms), along a busy commercial corridor in the Venice Coastal Zone. The proposed development provides much needed overnight accommodations proximate to an established commercial area and provides four dwelling units, replacing three existing single-family dwellings, currently maintained as a preschool. The proposed new restaurant is consistent with the existing restaurant uses located on Abbot Kinney Boulevard and the proposed two and three-story portions of the project will complement the pedestrian-oriented character and massing of the corridor and area. In addition, new automobile and bicycle parking will be provided for the new and existing uses, and onsite loading will be provided for the commercial uses. The proposed project also provides dedications and improvements to the right-of-way adjacent to the site, including the construction of new ADA-compliant sidewalks and pedestrian access ramps, repairing existing curb and gutter, and the closing of all unused driveways. The public right-of-way improvements will

enhance pedestrian access to and adjacent to the site, and the surrounding vehicular circulation system.

The land use and zoning allows the proposed mixed-use project. As a normal course of business, hotels and restaurants associated with hotels commonly have alcohol service. The proposed mixed use project, with its hotel and restaurant is no different. The proposed mixed use project will revitalize the western segment of the Abbot Kinney Boulevard commercial corridor and the on-site sale of alcohol in the hotel, restaurant and small market is essential to its revitalization of this segment of the business district. The proposed mixed-use development is comprised of uses that are consistent with the established commercial corridor and adjacent residential neighborhood, as well as design and massing that is compatible with the area's transitioning, and right-of-way improvements that facilitate pedestrian and vehicular access and enhance the public realm. As such, the proposed development will enhance the built environment and provide a service that is essential and beneficial to the Venice Coastal Zone.

2. **The project's location, size, height, operations and other significant features will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare and safety.**

The properties immediately south of Abbot Kinney Boulevard are developed with an elementary school and playground, while the lots fronting Broadway and Westminster Avenue are developed with one and two-story commercial structures. The properties north of Electric Avenue are developed with multi-family residential structures that vary from one to three stories in height; the structures fronting Electric Avenue are one story in height. The properties fronting Electric Avenue, along the south side of the street, are developed with two and three-story commercial and residential structures, with a flat-roof height of 30 feet; these buildings are adjacent to one-story residential structures. The three-story structure, located on the east side of Westminster Avenue, includes rooftop decks and vehicle access from Electric Avenue. The project site and properties proximate to the site are developed with one and two story structures in an urban area.

The proposed project site encompasses the entire rear portion of the block with new structures fronting Abbot Kinney Boulevard (south), Broadway (west), Electric Avenue (north), and Westminster Avenue (east). The project proposes a 70,310 square-foot mixed-use development designed as four structures connected by pedestrian bridges and subsurface levels. The development (above ground) is comprised of three (3) three-story structures and one (1) two-story structure, with a maximum flat-roof height of 30 feet. The proposed development will retain two existing structures fronting Abbot Kinney Boulevard (proposing tenant improvements) and construct new two and three-story structures. The existing structures maintain a flat-roof height of approximately 30 feet, consistent with that of existing two and three-story structures along Abbot Kinney Boulevard. New development is only proposed on four lots fronting Abbot Kinney Boulevard and will preserve much of the existing massing and scale of the commercial block. The building wall is articulated with balconies and recessed planes at the second and third level. The proposed flat-roof height of 30 feet and three-stories is similar to that of existing structures along the south side of Electric Avenue that extend more than 300 feet. As such, the proposed 30-foot-tall portions of the project are consistent with the massing and scale of the existing development, adjacent to the multi-family residential neighborhood.

Four rooftop areas are proposed for use by hotel employees and guests. The rooftop deck along Electric Avenue is proximate to multi-family residential uses; however, this area



includes a rooftop garden and solar equipment area with a limited area (approximately 1,500 square feet) for as an open deck. The deck area, along the northeast portion of the roof, is stepped back, more than 12 feet from the property line (Electric Avenue). The decks located Westminster Avenue, Broadway and Abbot Kinney include areas range from 450 to 1,200 square feet and are located along primarily commercial corridors. The noise expected to be generated from the rooftop decks would be sufficiently buffered by the ambient noise from the streets and required to comply with the City's Noise Ordinance. No amplified music is permitted on the rooftop decks. As conditioned, the operation of the rooftop areas is not expected to impact the adjacent properties or surrounding area.

The proposed hotel, dwelling units, restaurant, retail, and office uses are consistent with the permitted uses in the C2 zone and are appropriate uses for the Community Commercial land use designation in the Venice Coastal Zone Land Use Plan. The commercial uses are consistent with the existing uses on Abbot Kinney Boulevard. The vehicle entrance is located on Electric Avenue, adjacent to the multi-family residential neighborhood. The project's driveway access replaces an existing surface parking lot, and encloses all valet and parking operations. The proposed rooftop deck, along Electric Avenue, is comprised of solar equipment and a rooftop garden, and limited to use by hotel guests. Furthermore, the proposed commercial uses are located along the south side of the property, fronting Abbot Kinney Boulevard and minimizing impacts on the adjacent residential neighborhood.

The project proposes the sale and consumption of a full line of alcoholic beverages in the new hotel restaurant and bar area (and hotel roof decks and pool area for hotel guests), in the hotel guest rooms (liquor cabinets), hotel guest room services, and in all areas of the hotel (lobby, outdoor courtyard, lounge area, and business center), and offsite consumption for the market. The hotel would be operated 24 hours, however alcohol service (in all areas except the guest room liquor cabinets) and the operation of the hotel market would be limited to operating between 7:00 A.M. to 1:00 A.M. The proposed hours of operation are typical of hotel uses and the operating hours (service of alcohol) are similar with that of restaurants and retail uses on Abbot Kinney Boulevard and along commercial corridors proximate to the site. On-site alcohol sales within the proposed mixed project is a matter of convenience for visitors to the hotel, restaurants patrons, employees and others coming to the location. Without on-site alcohol, sales within the proposed mixed project, its visitors, patrons and employees would be inconvenient and venture out along the Abbot Kinney Boulevard corridor seeking alcohol-serving establishments. Their activities (leaving and returning to the site) could adversely impact the commercial corridor and nearby neighborhoods and so, the on-site sale of alcohol serves to contain the mixed-use developments activities within a confined area and limit the community's exposure to the mixed use development.

As such, the proposed development will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare and safety.

**3. The project substantially conforms with the purpose, intent and provisions of the General Plan, the applicable community plan, and any specific plan.**

The project site is located within the Venice Community Plan, which is one of 35 Community Plans forming the Land Use Element of the General Plan. Properties within the Venice Coastal Zone are also subject to the provisions of the Venice Coastal Zone Land Use Plan (LUP), which was adopted by means of a plan amendment to the

Community Plan. The Community Plan and LUP designate the project site with a Community Commercial land use designation, with corresponding zones of CR, C2, C4, RAS3, and RAS4. The project site is zoned C2-1-CA. The project is in substantial conformance with the purposes, intent, and provisions of General Plan, Community Plan, and Specific Plan.

#### General Plan Framework Element

The Framework Element for the General Plan (Framework Element) was adopted in December 1996 and re-adopted in August 2001. The Framework Element provides guidance regarding policy issues for the entire City of Los Angeles, including the project site. The Framework Element also sets forth a Citywide comprehensive long-range growth strategy and defines Citywide policies regarding such issues as land use, housing, urban form, neighborhood design, open space, economic development, transportation, infrastructure, and public services. The Framework Element includes the following goals, objectives, and policies relevant to the project:

*Goal 3. Pedestrian-oriented, high activity, multi- and mixed-use centers that support and provide identity for Los Angeles' communities.*

*Objective 3.9. Reinforce existing and encourage new community centers, which accommodate a broad range of uses that serve the needs of adjacent residents, promote neighborhood and community activity, are compatible with adjacent neighborhoods, and are developed to be desirable places in which to live, work and visit, both in daytime and nighttime.*

*Goal 7B. A City with land appropriately and sufficiently designated to sustain a robust commercial and industrial base.*

*Objective 7.2. Establish a balance of land uses that provides for commercial and industrial development which meets the needs of local residents, sustains economic growth, and assures maximum feasible environmental quality.*

*Policy 7.2.4. Ensure that the City has enough capacity to accommodate the development of general commercial uses, which support community needs in all parts of Los Angeles.*

*Policy 7.2.5. Promote and encourage the development of retail facilities appropriate to serve the shopping needs of the local population when planning new residential neighborhoods or major residential developments.*

*Goal 7.3. A City with thriving and expanding businesses.*

*Objective 7.3. Maintain and enhance the existing businesses in the City.*

*7.3.2. Retain existing neighborhood commercial activities within walking distance of residential areas.*

The project proposes a new mixed-use development comprised of new retail (market), office, and restaurant uses as well as improvements to two existing restaurants and public right-of-way, within a Community Center in the Venice Community Plan area. The proposed project adds approximately 10,507 square feet of new commercial floor area,

provides new visitor-serving uses and further enhances a critical commercial corridor for residents and visitors to the Venice Coastal Zone.

Land Use Element – Venice Community Plan

The Venice Community Plan was adopted by City Council on September 29, 2000. The Community Plan's purpose is to promote an arrangement of land use, circulation, and services, which all encourage and contribute to the economic, social and physical health, safety, welfare, and convenience of the Community. The proposed project is in conformance with the following objectives and policies of the Venice Community Plan:

*Goal 2. A strong and competitive commercial sector which promotes economic vitality, serves the needs of the community through well designed, safe and accessible areas while preserving the historic, commercial and cultural character of the community.*

*Objective 2-1. To conserve and strengthen viable commercial development in the community and to provide additional opportunities for new commercial development and services within existing commercial areas.*

*Policy 2-1.1. New commercial uses shall be located in existing established commercial areas or shopping centers.*

*Policy 2-1.5. Require that commercial projects be designed and developed to achieve a high level of quality, distinctive character and compatibility with surrounding uses and development.*

*Objective 2-2. To enhance the identity of distinctive commercial districts and to identify pedestrian-oriented districts.*

*Policy 2-2.1. Encourage pedestrian-oriented uses and mixed-use in designated areas.*

*Objective 2-3. To enhance the appearance of commercial districts.*

*Policy 2-3.1. Require that new development be designed to enhance and be compatible with adjacent development.*

The project proposes a new mixed-use development comprised of new retail (market), office, and restaurant uses as well as improvements to two existing restaurants and public right-of-way, within a Community Center in the Venice Community Plan area. The project adds approximately 10,507 square feet of new commercial floor area, provides new visitor-serving uses and further enhances a critical commercial corridor for residents and visitors to the Venice Coastal Zone. The proposed project includes physical improvements to the pedestrian right-of-way, including new ADA-compliant sidewalks, reconfigured intersections, and closure of unused driveways. The proposed mixed use development is designed as three separate structures (above ground) with heights varying from two to three stories, maintaining the massing of the development and surrounding area.

Land Use Element – Certified Venice Land Use Plan

The Venice Land Use Plan was adopted by the City Council on October 29, 1999 and certified by the California Coastal Commission on June 14, 2001. The LUP is part of the California Coastal Commission's Local Coastal Program intended for the Venice Coastal Zone; however the necessary Implementation Plan was not adopted. The LUP was

adopted by means of a plan amendment to the Community Plan and provides policies applicable to development in the Venice Coastal Zone. As discussed in Finding No. 8 below, it is found that the project is in conformance with the objectives and policies of the Venice Land Use Plan.

#### Venice Coastal Zone Specific Plan

The Specific Plan was adopted by the City Council on December 2, 2003. As discussed in Finding No. 16 below, the project is in conformance with the applicable regulations of the Venice Coastal Zone Specific Plan.

As such, the proposed project substantially conforms with the purpose, intent and provisions of the General Plan, the Venice Community Plan, Land Use Plan, and Venice Coastal Zone Specific Plan.

### **Alcoholic Beverage Findings**

#### **4. The proposed use will not adversely affect the welfare of the pertinent community.**

The project site encompasses a commercially-zoned block, located within a commercial corridor, Abbot Kinney Boulevard to the south, and adjacent to a multi-family residential neighborhood, Electric Avenue to the north. The proposed mixed-use development consists of a hotel with 78 guest rooms and 4 dwelling units, a new two-story, 3,810 square-foot restaurant with 1,829 square feet of interior Service Floor area and 684.5 square feet of outdoor Service Floor area, and a new 2,935 square-foot market (retail) with 150 square feet of Service Floor area. The project proposes the sale and consumption of a full line of alcoholic beverages in the new hotel restaurant and bar area (and hotel roof decks and pool area for hotel guests), in the hotel guest rooms (liquor cabinets), hotel guest room services, and in all areas of the hotel (lobby, outdoor courtyard, lounge area, and business center), and offsite consumption for the market. The proposed hours of operation, restaurant use, and market are consistent with the existing commercial uses along Abbot Kinney Boulevard and are preferred uses identified in the Land Use Plan for areas designated for Community Commercial land uses.

As conditioned, the sale of a full line of alcoholic beverages for on-site and off-site consumption will not adversely affect the welfare of the pertinent community. Negative impacts commonly associated with the sale of alcoholic beverages, such as criminal activity, public drunkenness, and loitering are mitigated by the imposition of conditions requiring deterrents against loitering and responsible management. Employees will undergo training on the sale of a full line of alcoholic beverages including training provided by the Los Angeles Police Department Standardized Training for Alcohol Retailers (STAR) Program. Other conditions related to excessive noise, litter and noise prevention will safeguard the residential community. Therefore, with the imposition of such conditions the sale of a full line of alcoholic beverages for off-site consumption at this location will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare and safety.

Generally, the proposed mixed use project is allowed by right within the commercial zone (with the exception of the hotel because of its proximity to residential use), and so are its components –restaurant, market, office. On-site alcohol sales associated with the uses are expected to be part of their operations; patrons are not expected to travel off-site to purchase alcohol separate for a dining or cocktail experience. To have patrons of the mixed use project travel into the community to procure alcohol while at the hotel, would in

fact adversely impact the community. Hence, offering on-site sale of alcohol beverages to patrons of the mixed project is deemed not to adversely impact the pertinent community.

5. **The granting of the application will not result in an undue concentration of premises for the sale or dispensing for consideration of alcoholic beverages, including beer and wine, in the area of the City involved, giving consideration to applicable State laws and to the California Department of Alcoholic Beverage Control's guidelines for undue concentration; and also giving consideration to the number and proximity of these establishments within a one thousand foot radius of the site, the crime rate in the area (especially those crimes involving public drunkenness, the illegal sale or use of narcotics, drugs or alcohol, disturbing the peace and disorderly conduct), and whether revocation or nuisance proceedings have been initiated for any use in the area.**

According to the California Department of Alcoholic Beverage Control (ABC) licensing criteria, three on-site and two off-site consumption licenses are allocated to the subject census tract (Census Tract 2733.00). Currently there are 17 on-site licenses and 3 off-site licenses in this census tract. Five establishments with on-site licenses also hold Type 58 and 77 licenses. Records from the California Department of Alcoholic Beverage Control show that there are two active Type 47 ABC Licenses for the two existing restaurants, to be maintained and improved as part of the proposed development: Primitivo Wine Bistro (License No. 514811) was active since June 8, 2015 and License No 569602 was active since August 24, 2016. The proposed hotel restaurant seeks a renewal and extension of an existing Type 47 License, No. 345545, active since October 7, 1998; adding the new areas within the hotel and seeking an off-site license for the sales within the proposed market.

According to statistics provided by the Los Angeles Police Department's Pacific Division Vice Unit, within Crime Reporting District No. 1413, which has jurisdiction over the subject property, a total of 528 crimes were reported in 2018 (171 Part I and 357 Part II crimes), compared to the citywide average of 185 offenses and the high crime reporting district of 222 crimes for the same reporting period.

Part 1 Crimes reported by LAPD include, Homicide (0), Rape (1), Robbery (3), Aggravated Assault (18), Burglary (32), Auto Theft (17), Larceny (100). Part II Crimes reported include, Other Assault (7), Forgery/Counterfeit (1) Embezzlement/Fraud (0), Stolen Property (0), Weapons Violation (3), Prostitution Related (1), Sex Offenses (0), Offenses Against Family (0), Narcotics (30), Liquor Laws (22), Public Drunkenness (3), Disturbing the Peace (0), Disorderly Conduct (2), Gambling (0), DUI related (1) and other offenses (287). Of the 528 total crimes reported for the census tract, 22 arrests were made for liquor laws, 3 arrests were made for under the influence of alcohol, and 1 arrest was made for driving under the influence. Crime reporting statistics for 2019 are not yet available.

In these active commercial areas where there is a demand for licenses beyond the allocated number and where an over-concentration of licenses is suggested, the ABC has recognized that high-activity retail and commercial centers located within revitalized hubs are supported by a significant employee population, in addition to the increasing resident population base in the area. The ABC has discretion to approve an application for a license if there is evidence that normal operations will be contrary to public welfare and will interfere with the quiet enjoyment of property by residents. In addition, the Zoning Administrator is imposing conditions of approval in order to prevent public drinking, driving under the influence, and public drunkenness.

The above statistics indicate that the crime rate in the census tract where the subject site is located is higher than the city average. Negative impacts commonly associated with the sale of alcoholic beverages, such as criminal activity, public drunkenness, and loitering are mitigated by the imposition of conditions requiring surveillance, responsible management and deterrents against loitering. The conditions will safeguard the welfare of the community. As conditioned, allowing the sale of a full line of alcoholic beverages for off-site consumption at the subject location will benefit the public welfare and convenience because it would add an amenity to nearby residences.

6. **The proposed use will not detrimentally affect nearby residentially zoned communities in the area of the City involved, after giving consideration to the distance of the proposed use from residential buildings, churches, schools, hospitals, public playgrounds and other similar uses, and other establishments dispensing, for sale or other consideration, alcoholic beverages, including beer and wine.**

The project site is zoned for commercial uses and will continue to be utilized as such with the proposed mixed-use development. The following sensitive uses are located within a 1,000-foot radius of the site:

- Westminster Elementary School, 1010 Abbot Kinney Boulevard
- Westminster Senior Citizen Center, 1234 Pacific Avenue
- Westminster Dog Park, 1234 Pacific Avenue
- New Bethel Baptist Church, 503 Brooks Avenue
- Multi-family residential neighborhood, adjacent

Consideration has been given to the distance of the subject establishment from the above-referenced sensitive uses. The grant has been well conditioned, which should protect the health, safety and welfare of the surrounding neighbors. The potential effects of excessive noise or disruptive behavior have been considered and addressed by imposing conditions related to noise and loitering. The project is consistent with the zoning and in keeping with the existing uses adjacent to the development. This project will contribute to a neighborhood and will serve the neighboring residents and the local employees as well as visitors. Therefore as conditioned, the project will not detrimentally affect residentially zoned properties or any other sensitive uses in the area.

On-site alcohol sales within the proposed mixed project is a matter of convenience for visitors to the hotel, restaurants patrons, employees and others coming to the location. Without on-site alcohol sales within the proposed mixed project, its visitors, patrons and employees would be made inconvenient and venture out along the Abbot Kinney Boulevard corridor seeking alcohol serving establishments. Their activities (leaving and returning to the site) could adversely impact the commercial corridor and nearby residential neighborhoods and so, the on-site sale of alcohol serves to contain the mixed-use developments activities within a confined area and limit the community's exposure to the mixed use development.

### **Coastal Development Permit**

In order for a coastal development permit to be granted all of the requisite findings maintained in Section 12.20.2 of the Los Angeles Municipal Code must be made in the affirmative. Following is a delineation of the findings and the application of the facts of this case to same.

7. **The development is in conformity with Chapter 3 of the California Coastal Act of 1976.**

Chapter 3 of the Coastal Act includes provisions that address public access, recreation, marine environment, land resources, development, and industrial development. The following addresses conformity with the applicable policies of Chapter 3 of the Coastal Act.

*Section 30222 states the priority of development purposes (private land); that the use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.* Visitor-serving commercial recreational facilities such as campgrounds, hostels, motels, and hotels are encouraged in the Coastal Zone to increase access to the Coast through the provisions of visitor accommodations. The project consists of the development of a new mixed-use project comprised of a hotel providing 78 guest rooms and four dwelling units, within the Venice Coastal Zone. The proposed project will provide visitor accommodations and other visitor-serving commercial uses proximate to the Abbot Kinney commercial district as well as Venice Beach. The proposed project will not result in the net loss of any existing Residential Units and is zoned C2-1-CA, allowing for residential and commercial uses.

*Section 30244 requires reasonable mitigation measures to reduce potential impacts on archeological or paleontological resources.* The project consists of the demolition of existing structures, excavation, and grading, in order to construct a new three-story mixed-use development with three subterranean parking levels. Approximately 24,591 cubic yards of dirt will be exported from the site. The proposed excavation and export of dirt is subject to review by the Department of Building and Safety and is conditioned to comply with the recommendations listed in the Geology and Soils Approval Letter (LOG 93259). Also, the proposed project is subject to compliance with Federal, State and Local regulatory standards to ensure appropriate treatment of any potential paleontological resources unexpectedly encountered during grading and excavation activities regulations.

*Section 30250 states (a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels. (b) Where feasible, new hazardous industrial development shall be located away from existing developed areas. (c) Visitor-serving facilities that cannot feasibly be located in existing developed areas shall be located in existing isolated developments or at selected points of attraction for visitors.*

The proposed project is located along Abbot Kinney Boulevard, an established commercial corridor primarily developed with similar retail, office, and restaurant uses. Abbot Kinney Boulevard is a 70 foot-wide right-of-way with one travel lane in each direction, on-street public parking, served by public transit (local and rapid Metro stops and the Big Blue Bus), and is marked as a shared lane for bicycles. The project site has convenient access to existing public services, beach, bus lines, etc... The proposed



development includes visitor-serving uses such as guest rooms (within a hotel), restaurants, and retail uses and is located within a highly developed commercial corridor.

*Section 30251 The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.* The project site and properties proximate to the site are developed with one and two story structures in an urban area.

The proposed project site encompasses the entire rear portion of the block with new structures fronting Abbot Kinney Boulevard (south), Broadway (west), Electric Avenue (north), and Westminster Avenue (east). The project proposes a 70,310 square-foot mixed-use development designed as four structures connected by pedestrian bridges and subsurface levels. The development (above ground) is comprised of three (3) three-story structures and one (1) two-story structure, with a maximum flat-roof height of 30 feet. The proposed development will retain two existing structures fronting Abbot Kinney Boulevard (proposing tenant improvements) and construct new two and three-story structures. The existing structures maintain a flat-roof height of approximately 30 feet, consistent with that of existing two and three-story structures along Abbot Kinney Boulevard. New development is only proposed on four lots fronting Abbot Kinney Boulevard and will preserve much of the existing massing and scale of the commercial block. The building wall is articulated with balconies and recessed planes at the second and third level. The proposed flat-roof height of 30 feet and three-stories is similar to that of existing structures along the south side of Electric Avenue that extend more than 300 feet. The proposed project is conditioned to observe a rooftop setback of 12 feet from the easterly and westerly property lines. As such, the proposed 30-foot-tall portions of the project are consistent with the massing and scale of the existing development, adjacent to the multi-family residential neighborhood.

The properties immediately south of Abbot Kinney Boulevard are developed with an elementary school and playground, while the lots fronting Broadway and Westminster Avenue are developed with one and two-story commercial structures. The properties north of Electric Avenue are developed with multi-family residential structures that vary from one to three stories in height; the structures fronting Electric Avenue are one story in height. The properties fronting Electric Avenue, along the south side of the street, are developed with two and three-story commercial and residential structures, with a flat-roof height of 30 feet; these buildings are adjacent to one-story residential structures. The three-story structure, located on the east side of Westminster Avenue, includes rooftop decks and vehicle access from Electric Avenue. The project site and properties proximate to the site are developed with one and two story structures in an urban area.

The proposed project improves access to and around the 46,870 square-foot site, reconstructing the existing sidewalk, closing unused driveways, constructing ADA compliance ramps (corners), and constructing a new sidewalk along Electric Avenue. The project also includes new street trees and landscaping, enhancing the pedestrian realm, adjacent to the project site. The proposed project is conditioned to prohibit the use of the public right-of-way for the loading purposes. As such, the proposed development along

Electric Avenue is visually compatible with the surrounding area and consistent with the character and scale of the neighborhood. The site and immediate neighborhood do not contain natural land forms, nor do they maintain views to the ocean; the subject site is approximately half a mile inland. The proposed three-story structure would not obstruct views of the ocean or any other scenic areas, is visually compatible with the character of the existing area, and will enhance the visual quality of the subject site and immediate area.

*Section 30252 The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.* The project proposes the development of a mixed-use project comprised of 78 guest rooms, four dwelling units, and groundfloor commercial uses. The project provides both visitor-serving facilities and “commercial facilities within or adjacent to residential development,” which is in keeping with policies of the Coastal Act and the pedestrian-oriented nature of Abbot Kinney Boulevard. While, the 60-space surface parking lot is being removed, the proposed project will provide a total of 184 parking spaces onsite to satisfy the parking requirements of the existing and proposed uses and will also provide additional bicycle parking for hotel guests, residents, and visitors. The provision of bicycle parking and proximity of transit to the property is consistent with the Coastal Act’s policies regarding non-automobile circulation. Further, the proposed project is conditioned to prohibit the use of the adjoining right-of-way for loading purposes in order to maintain and enhance public access the coast and other public institutions.

*Section 30253 states new development shall: (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard. (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs. (3) Be consistent with requirements imposed by an air pollution control district or the State Air Resources Control Board as to each particular development. (4) Minimize energy consumption and vehicle miles traveled. (5) Where appropriate, protect special communities and neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses.*

The proposed development is located within a methane zone, liquefaction area and within 4.7 kilometers of the Santa Monica Fault. As such, the project is subject to compliance with Zoning and Building Code requirements that will minimize risks to life and property in such hazard areas. The property is also located within Zone C (National Flood Insurance Program rate maps), areas of minimal flooding.

The project site is also located within an area that may be affected by Sea Level Rise. On August 12, 2015, the Coastal Commission adopted a Sea Level Rise Policy Guidance document, subsequently updated and adopted on November 7, 2018. This policy document provides a framework and directions for local jurisdictions to address sea level

rise (SLR) in Local Coastal Programs (LCPs) and Coastal Development Permits (CDPs). In May 2018, the City completed an initial sea level rise vulnerability assessment for the Venice Coastal Zone. The report provides that: *Existing wide beaches generally protect Venice from coastal hazards. Coastal assets along or near the beachfront are potentially vulnerable during a large storm event in combination with SLR greater than 3.3 feet. After 4.9 feet SLR, beachfront assets are more vulnerable to damage from flooding or potential erosion of the beach. A SLR of 6.6 feet is a tipping point for Venice's exposure to extreme coastal wave events. Beachfront and coastal assets could flood annually, beaches could be greatly reduced in width, and high water levels could greatly increase potential for flooding of inland low-lying areas. As discussed in the analysis, there is considerable uncertainty around the timing of SLR, how coastal processes may be affected, and what adaptation approaches will be applied in the future (VSLRVA, pg. 45).* Policies and development standards to address the potential impacts of SLR would be addressed in the City's LCP for the Venice Coastal Zone.

A Sea Level Rise Hazards Analysis was prepared by GeoSoils, Inc., a report dated May 20, 2019. The Coastal Storm Modeling System (CoSMoS) was utilized to analyze the project's vulnerability to flood hazards, considering a scenario of a minimum 6.6-foot sea level rise and a 100-year storm scenario. Based on this scenario, the proposed development could potentially be affected by flooding as a result of SLR at or above the stated level; however, the potential for such flooding in severe storm events is likely to increase towards the end of the project's life (based on a typical development life of 75 years). The proposed development includes three subterranean levels, however, the foundation and basement levels are required to be water-proofed and are subject to further review and compliance with zoning and building code requirements. Furthermore, any repair, demolition, and/or new construction as a result of any flooding would be subject to additional review. As conditioned, the proposed development is consistent with Section 30253 of the Coastal Act.

**8. The development will not prejudice the ability of the City of Los Angeles to prepare a local coastal program that is in conformity with Chapter 3 of the California Coastal Act of 1976.**

Coastal Act Section 30604(a) states that prior to the certification of a Local Coastal Program ("LCP"), a coastal development permit may only be issued if a finding can be made that the proposed development is in conformance with Chapter 3 of the Coastal Act. The Venice Local Coastal Land Use Plan ("LUP") was certified by the California Coastal Commission on June 14, 2001; however, the necessary implementation ordinances were not adopted. The City is in the initial stages of preparing the LCP; prior to its adoption the guidelines contained in the certified LUP are advisory.

The following provides a discussion of the applicable policies of the certified LUP:

*Policy I. A. 17. Youth Hostels and Hotels. Development of temporary housing opportunities, such as hotels and youth hostels, shall be permitted through the conditional use permit/coastal development permit process in the Medium Density Residential and Community Commercial categories. The capacity of the proposed youth hostel shall be a factor of consideration for residential zones. Overnight visitor-serving uses, such as hotels and youth hostels, are preferred uses in Community Commercial and General Commercial land use categories.*

*Policy I. B. 2. Mixed-Use Development. Mixed-use residential-commercial development shall be encouraged in all areas designated on the Land Use Policy Map for commercial use...The design of mixed-use development is intended to help mitigate the impact of the traffic generated by the development on coastal access roads and reduce parking demand by reducing the need for automobile use by residents and encouraging pedestrian activity. Such development shall comply with the density and development standards set forth in this LUP.*

*Policy I. B. 6. Community Commercial Land Use. The areas designated as Community Commercial on the Land Use Policy Map (Exhibits 9 through 12) will accommodate the development of community-serving commercial uses and services, with a mix of residential dwelling units and visitor-serving uses. The Community Commercial designation is intended to provide focal points for local shopping, civic and social activities and for visitor-serving commercial uses. They differ from Neighborhood Commercial areas in their size and intensity of business and social activities. The existing community centers in Venice are most consistent with, and should be developed as, mixed-use centers that encourage the development of housing in concert with multi-use commercial uses. The integration and mixing of uses will increase opportunities for employees to live near jobs and residents to live near shopping. Overnight visitor-serving uses, such as hotels and youth hostels, are preferred uses in the Community Commercial land use category.*

*Uses/Density: Community commercial uses shall accommodate neighborhood and visitor-serving commercial and personal service uses, emphasizing retail and restaurants; and mixed residential/commercial use with retail on the ground floor and personal services and residential uses on upper floors. Drive-thru facilities and billboards shall be prohibited in the Community Commercial land use category. On a commercial lot, residential uses shall not exceed one unit per 800-1200 square feet of lot area.*

*Policy I. B. 7. Commercial Development Standards.*

- *Density/Intensity: Maximum Floor Area Ratio (FAR): 1.5 to 1 for retail and/or office and residential.*
- *Lot consolidation of more than two lots shall be permitted for mixed-use projects which conform to the existing scale and character of the surrounding community and provide adequate on-site parking.*
- *Yards: Per the following Ground Level Development Policy which requires that commercial development be designed in scale with, and oriented to, the adjacent pedestrian accessways (i.e. sidewalks).*
- *Ground Level Development: Every commercial structure shall include a Street Wall, which shall extend for at least 65% of the length of the street frontage...The required Street Wall at sidewalk level shall be a minimum of 13 feet high. (A Street Wall is the exterior wall of a building that faces a street.)*
- *Street Walls adjacent to a sidewalk café, public plaza, retail courtyard, arcade, or landscaped area may be setback a maximum of 15 feet along the project which consists of the sidewalk café, public plaza, retail courtyard, arcade, or landscaped area. Such areas shall not be considered in calculating the buildable area of a project...but shall be considered in calculations for required parking.*
- *At least 50% of the area of the ground floor Street Wall shall be devoted to pedestrian entrances, display windows, and/or windows affording views into retail, office, gallery, or lobby space.*
- *Blank walls shall be limited to segments of 15 feet in length, except that walls containing a vehicle entry shall be limited to the width of the door plus five feet.*
- *All projects shall provide at least one pedestrian entrance into each business or*

*use for each street frontage.*

*Policy I. E. 2. Scale. New development within the Venice Coastal Zone shall respect the scale and character of community development. Buildings which are of a scale compatible with the community (with respect to bulk, height, buffer and setback) shall be encouraged. All new development and renovations should respect the scale, massing, and landscape of existing residential neighborhoods. Lot consolidations shall be restricted to protect the scale of existing neighborhoods. Roof access structures shall be limited to the minimum size necessary to reduce visual impacts while providing access for fire safety. In visually sensitive areas, roof access structures shall be set back from public recreation areas, public walkways, and all water areas so that the roof access structure does not result in a visible increase in bulk or height of the roof line as seen from a public recreation area, public walkway, or water area. No roof access structure shall exceed the height limit by more than ten (10') feet. Roof deck enclosures (e.g. railings and parapet walls) shall not exceed the height limit by more than 42 inches and shall be constructed of railings or transparent materials. Notwithstanding other policies of this LUP, chimneys, exhaust ducts, ventilation shafts and other similar devices essential for building function may exceed the specified height limit in a residential zone by five feet.*

*Policy II.A.3 Parking Requirements.*

- a. Hotel: 2 spaces; plus 2 spaces for each dwelling unit; plus 1 space for each guest room or each suite of rooms for the first 30; plus 1 space for each two guest rooms or suites of rooms in excess of 30 but not exceeding 60; plus 1 space for each three guest rooms or suites of rooms in excess of 60; plus 1 space for each 100 square feet of floor area used for consumption of food or beverages, or public recreation areas; plus 1 space for each five fixed seats and for every 35 square feet of seating area where there are no fixed seats in meeting rooms or other places of assembly.*
- b. Office: 1 space for every 250 square feet of floor area*
- c. Spa: 1 space for every 250 square feet of floor area*
- d. Retail: 1 space for every 225 square feet of floor area*
- e. Restaurant (existing): 1 space for every 50 square feet of Service Floor area*

*Policy II. A. 4. Parking Requirements in the Beach Impact Zone...Commercial and industrial projects in the BIZ shall provide one additional parking space for each 640 square feet of floor area of the ground floor.*

*Policy II. A. 10. Valet Parking. Valet parking programs may be permitted and implemented in order to increase the amount of available public parking in parking impacted areas. In order to ensure that any valet parking program that is permitted to operate in the Venice Coastal Zone does not negatively impact coastal access opportunities, all approved valet parking programs shall comply with the following policies:*

- a. The use of public parking areas for valet vehicle Drop-off/Pick-up stations shall be limited to the minimum area necessary and occupy the fewest number of public parking spaces.*
- b. Vehicle Storage/Parking. The storage of vehicles by valets is prohibited in public parking lots, on public rights-of-way and in on-street parking spaces (except for loading and unloading) unless it is determined that use of the public parking area will not conflict with the need for public parking by beach goers.*
- c. A valet parking program that utilizes public property in the coastal zone shall be available for use by the general public with no preference granted to any group or type of use (i.e., restaurant customers vs. beach goers).*

The project consists of the demolition of an existing restaurant, three single-family dwellings, and a 60-space, surface parking lot and the construction of a mixed-use development comprised of a hotel having 78 guest rooms, four dwelling units and commercial uses consisting of a new restaurant, retail, office, and spa uses. The subject site is zoned C2-1-CA with a General Plan Land Use Designation of Community Commercial. As outlined in Policy 1.B.6, *overnight visitor-serving uses, such as hotel and youth hostels, are preferred uses in the Community Commercial land use category*. The proposed mixed-use development further conforms to the development regulations outlined in Policy 1.B.7, discussed in Finding No. 16.

Furthermore, as discussed in Finding No. 1, the proposed development is consistent with the mass and scale of the existing character of the neighborhood (both commercial and residential character), as provided in Policy 1.E.2. The proposed development is designed with four structures (above ground), connected by pedestrian bridges and subterranean levels. As such, the massing of the structure is reduced and further articulated, matching the scale of commercial and residential development adjacent and proximate to the site. The proposed two and three story structures fronting Abbot Kinney Boulevard, Westminster Avenue, and Broadway are consistent with existing commercial and mixed-use structures. The proposed three-story structure fronting Electric Avenue is consistent in scale and massing with the existing three-story structures on the south side of Electric Avenue, adjacent to the residential neighborhoods to the north.

The mixed-use development is consistent with the commercial development standards outlined in Policy 1.B.7 and further discussed in Finding No. 16. The mixed-use development proposes an FAR of 1.5:1 on a site comprised of eight lot and will construct four structures (designed as separated building above ground). The ground floor includes Street Walls that extend more than 65 percent of the length of the street frontage (all four streets) and are designed with windows, pedestrian entrances, and storefronts. As conditioned, the project conforms to the commercial development standards.

The project provides 184 parking spaces within a subterranean, automated parking garage; the parking provided complies with the required parking for Hotel uses, as outlined in Policy II.A.3 and for commercial development in the Beach Impact Zone, as outlined in Policy II.A.4. The project also provides required parking for two existing restaurant uses with a combined Service Floor area of 2,268 square feet, consistent with the requirements outlined in the LUP. A valet service is provided onsite for the automated parking, and all drop-off and pick-up areas are anticipated to be onsite. As conditioned, the loading of passengers or goods is prohibited in the public right-of-way. As such, all proposed valet operations are consistent with Policy II.A.10.

The proposed mixed-use development is consistent with the policies of the certified Land Use Plan and the standards of the Specific Plan (discussed below) and will not prejudice the ability of the City to prepare a local coastal program that is in conformity with Chapter 3 of the California Coastal Act.

9. **The Interpretive Guidelines for Coastal Planning and Permits as established by the California Coastal Commission dated February 11, 1977 and any subsequent amendments thereto have been reviewed, analyzed and considered in light of the individual project in making this determination.**

The Los Angeles County Interpretative Guidelines were adopted by the California Coastal Commission (October 14, 1980) to supplement the Statewide Guidelines. Both regional and statewide guidelines, pursuant to Section 30620 (b) of the Coastal Act, are designed to assist local governments, the regional commissions, the commission, and persons subject to the provisions of this chapter in determining how the policies of this division shall be applied to the coastal zone prior to the certification of a local coastal program. As stated in the Regional Interpretative Guidelines, the guidelines are intended to be used “in a flexible manner with consideration for local and regional conditions, individual project parameters and constraints, and individual and cumulative impacts on coastal resources.” In addition to the Regional Interpretative Guidelines, the policies of Venice Local Coastal Program Land Use Plan (the Land Use Plan was certified by the Coastal Commission on June 14, 2001) have been reviewed and considered. The Regional Interpretative Guidelines have been reviewed and the proposed project is consistent with the requirements for Parking, Height, Setbacks, Access, and Articulation; the project also complies with the policies of the LUP and standards of the Specific Plan (discussed in Finding No. 2 and 16).

10. **The decision of the permit granting authority has been guided by any applicable decision of the California Coastal Commission pursuant to Section 30625(c) of the Public Resources Code, which provides that prior decisions of the Coastal Commission, where applicable, shall guide local governments in their actions in carrying out their responsibility and authority under the Coastal Act of 1976.**

The subject property is located within the Single-Jurisdiction area of the California Coastal Zone. As such, Coastal Development Permits are issued by the City of Los Angeles, which are then appealable to the California Coastal Commission. The Director of Planning has been guided by the actions of the Coastal Commission in its review of similar applications in the Venice Coastal Zone:

- 1697 Pacific Avenue (CDP Nos. 5-03-071-A3 & A-5-VEN-15-0025). On February 12, 2016, the Commission approved with conditions, the expansion of service floor area to the roof deck of an existing hotel.
- 1697 Pacific Avenue (CDP Nos. 5-03-071 & A5-VEN-03-067). On August 7, 2003, the Commission approved with conditions, the addition of a 5<sup>th</sup> floor and 30 new guest rooms to an existing 92-room hotel within the dual jurisdiction of the Coastal Zone.
- 1119-1123 Abbot Kinney Boulevard (No. A-5-VEN-03-466). On December 11, 2003, the Commission found No Substantial Issue with regards to an appeal of Coastal Development Permit issued by the City (ZA-2002-1848-CDP-MEL-SPE-PP-SUB-CUB), for the construction of 35-foot high mixed-use building comprised of seven live-work units, two commercial condominium units, and groundfloor commercial uses within the single jurisdiction of the Coastal Zone.
- 4750-4761 Lincoln Boulevard (A5-VEN-98-222). The City’s Coastal Development Permit was appealed to the Coastal Commission on May 26, 1998 and was heard on November 4, 1998. The appeal was withdrawn. Coastal Commission staff’s recommendation was that the Commission determine that no substantial issue exists; located within the single jurisdiction.



The proposed project is consistent with the previous decisions of the City and the California Coastal Commission that have included the development of a mixed-use structures comprised of residential and commercial uses, hotel uses, and the expansion of hotel uses in the Venice Coastal Zone.

11. **The development is not located between the nearest public road and the sea or shoreline of any body of water located within the coastal zone, and the development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act of 1976.**

The project proposes the demolition of six existing structures and a 60-space surface parking lot, for the construction of a three-story, mixed-use development comprised of 78 guest rooms, four dwelling units, and groundfloor commercial uses within an urban area on a commercial corridor. The property is located more than 1,500 feet inland from the public road (Pacific Avenue) that is nearest to the sea or shoreline of any body of water. The property is not located between the nearest public road and the sea or shoreline of any body of water located within the coastal zone.

Section 30210 of the Coastal Act states the following in regards to public access:

*In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, right of private property owners, and natural resources from overuse.*

Section 30211 of the Coastal Act states the following in regards to public recreation policies:

*Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.*

12. **An appropriate environmental clearance under the California Environmental Quality Act has been granted.**

The City of Los Angeles (the "City"), as Lead Agency, has evaluated the environmental impacts of implementation of the Venice Place Project by preparing an EIR (Case Number ENV-2016-4321-EIR/State Clearinghouse No. 2016061033) and Erratum dated July 6, 2020. The EIR and Erratum were prepared in compliance with the California Environmental Quality Act of 1970, Public Resources Code Section 21000 et seq. (CEQA) and the California Code of Regulations Title 15, Chapter 6 (the "CEQA Guidelines"). The findings discussed in this document are made relative to the conclusions of the EIR. CEQA Section 21002 provides that "public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects[.]" The procedures required by CEQA "are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects." CEQA Section 21002 goes on to state that "in the event [that] specific economic, social, or other conditions make infeasible such project alternatives or such mitigation

measures, individual projects may be approved in spite of one or more significant effects thereof.”

A full discussion of the EIR and environmental clearance is outlined in Finding No. 22 of this document.

### Site Plan Review

13. **The project is in substantial conformance with the purposes, intent and provisions of the General Plan, applicable community plan, and any applicable specific plan.**

The project site is located within the Venice Community Plan, which is one of 35 Community Plans forming the Land Use Element of the General Plan. Properties within the Venice Coastal Zone are also subject to the provisions of the Venice Coastal Zone Land Use Plan (LUP), which was adopted by means of a plan amendment to the Community Plan. The Community Plan and LUP designate the project site with a Community Commercial land use designation, with corresponding zones of CR, C2, C4, RAS3, and RAS4. The project site is zoned C2-1-CA. The project is in substantial conformance with the purposes, intent, and provisions of General Plan, Community Plan, and Specific Plan, as discussed in Findings No. 3, 8, and 16.

14. **The project consists of an arrangement of buildings and structures (including height, bulk and setbacks), off-street parking facilities, loading areas, lighting, landscaping, trash collection, and other such pertinent improvements, which is or will be compatible with existing and future development on adjacent properties and neighboring properties.**

The proposed development is designed with four structures (above ground), connected by pedestrian bridges and subterranean levels. As such, the massing of the structure is reduced and further articulated, matching the scale of commercial and residential development adjacent and proximate to the site. The development will maintain two existing structures fronting Abbot Kinney Boulevard (proposing tenant improvements) and construct a new two-story and three-story structure. The properties immediately south of Abbot Kinney Boulevard are developed with an elementary school and playground, while the lots fronting Broadway and Westminster Avenue are developed with one and two-story commercial structures. The existing structures maintain a flat-roof height of approximately 30 feet, consistent with that of existing two and three-story structures along Abbot Kinney Boulevard. New development is only proposed on four lots fronting Abbot Kinney Boulevard and will preserve much of the existing massing and scale of the commercial block.

The properties north of Electric Avenue are developed with multi-family residential structures that vary from one to three stories in height, the structures fronting Electric Avenue are one story in height. The properties fronting Electric Avenue, along the south side of the street, are developed with two and three-story commercial and residential structures, with a flat-roof height of 30 feet; these buildings are adjacent to one-story residential structures. As such, the proposed 30-foot-tall portions of the project are consistent with the massing and scale of the existing development, adjacent to the multi-family residential neighborhood. The building wall is articulated with balconies and recessed planes at the second and third level. The proposed flat-roof height of 30 feet and three-stories is similar to that of existing structures along the south side of Electric Avenue that extend more than 300 feet. The three-story structure, located on the east side of

Westminster Avenue, includes rooftop decks and vehicle access from Electric Avenue. The proposed three-story structure fronting Electric Avenue is consistent in scale and massing with the existing three-story structures on the south side of Electric Avenue, adjacent to the residential neighborhoods to the north.

**Off-street parking facilities and loading areas.** The mixed use development will provide a total of 184 parking spaces within three subterranean levels, accessed by an automated parking system and operated by a valet. A 600 square-foot loading area is provided onsite, along Broadway. The onsite loading space satisfies the requirements of LAMC Section 12.21-C.6. However, the proposed on-street loading area displaces parking for public access, public recreation and public institutions; hence, the project is conditioned to prohibit the use of the public right-of-way for loading purposes.

**Lighting.** All common areas and pedestrian walkways within the project site will be illuminated, designed with downward facing lights and shielded so the light source cannot be seen from adjacent residential properties.

**Landscaping.** The project provides approximately 5,257 square feet of landscaped area in an open courtyard on the ground floor and provides a swimming pool, 3,160 square feet of rooftop deck area, and garden (accessible to hotel guests).

**Trash collection.** An enclosed trash and recycling room is provided along Broadway.

The project consists of an arrangement of buildings and structures (including height, bulk, and setbacks), off-street parking facilities and loading areas, lighting, landscaping, trash collection and other such pertinent improvements that will be compatible with existing and future development on adjacent and neighboring properties.

15. **The residential project provides recreational and service amenities to improve habitability for its residents and minimize impacts on neighboring properties.**

The proposed mixed-use project is comprised of a hotel with 78 guest rooms and 4 dwelling units. As such, the open space requirements of LAMC Section 12.21-G do not apply as the mixed use development does not consist of six or more dwelling units. As previously discussed, the proposed development provides common recreational areas and amenities primarily for visitors and their guests, consisting of a ground level courtyard, rooftop swimming pool, and rooftop deck areas with a garden. However, residents of the four dwelling units are anticipated to have access to these amenities. As such, the proposed mixed-use project provides recreational and service amenities to improve habitability for its residents and minimize impacts on neighboring properties.

## **Project Permit Compliance**

16. **The project substantially complies with the applicable regulations, findings, standards, and provisions of the Venice Coastal Zone Specific Plan.**

The site is improved with approximately 12,560 square feet of development, comprised of three restaurants totaling 7,444 square feet, a private school consisting of 1,572 square feet within three (residential) structures, 3,544 square feet of office space and a 60-space surface parking lot. There is also 2,963 square feet of existing outdoor landscaped area at the Project Site used as a retail nursery known as the Sculpture Garden that will remain. There is also a temporary vegetable garden, the Cook's Garden, at 1033 Abbot Kinney.

Two of the three restaurant businesses and two of the three buildings in which they reside will be maintained, preserving street frontage on Abbot Kinney. One of the three restaurant buildings, at 1031 Abbot Kinney, will be demolished and replaced with a new restaurant serving the hotel and the public.

The proposed project is the demolition of six existing structures and surface parking lot, for the construction of a 63,891 square-foot mixed-use development (70,310 square feet of new and existing development) consisting of: the maintenance of two existing restaurants, the demolition of a 2,442 square-foot restaurant and the construction of a 3,810 square-foot hotel restaurant having 2,514 square-feet of Service Floor Area, the construction of a new Hotel with 78 guest rooms, 4 dwelling units, 2,935 square feet of groundfloor retail space comprised of a market with 170 square feet of Service Floor Area and a 1,735 square-foot spa, and 2,027 square feet of office space. The project will construct three (3) new three-story mixed-use buildings, a maximum of 30 feet in height, and one (1) new two-story building, approximately 25 feet in height; all new structures are connected by pedestrian bridges and subterranean levels. Tenant improvements are proposed to the existing restaurant structures comprised of interior and exterior improvements. The project provides a total of 184 parking spaces, at grade and within three subterranean levels. A loading area is also provided onsite.

The proposed project complies with the applicable General Land Use and Development Regulations set forth in Section 9, Land Use and Development regulations for the North Venice Subarea set forth in Section 10.F, the Commercial Standard outlined in Section 11, and the Parking provisions set forth in Section 13 of the Specific Plan as evidenced below:

**Section 9 General Land Use and Development Regulations.** The proposed mixed-use development, comprised of residential and commercial uses, would construct three structures (connected by pedestrian bridges) on eight lots. Section 9.A.1.e(4) states that: *lot consolidation of more than two lots shall be permitted for mixed-use and multi-family residential Venice Coastal Development Projects, provided the project conforms to the existing scale and characteristic of the surrounding community, the required parking is on-site and the project conforms with development standards in Section 9.A.2 below.* As outlined in Section 9.A.2: (a) the project provides subterranean parking that is fully below natural grade, and (b) the structures incorporate visual breaks and Architectural Features such as articulated entrances, vertical and horizontal projections, incorporates a change in material and plane every 20 horizontal feet and 15 vertical feet. Consistent with subsection B., height is measured from the midpoint of the centerline of the street lowest in elevation. The proposed Roof Access Structures are minimized and limited to 100 square feet (measured from the exterior walls) and 10 feet in height; all other mechanical equipment and roof structures are limited to no more than five feet in height. The project complies with the applicable provisions of Section 9 of the Specific Plan.

**Section 10.F North Venice Subarea Development Regulations.** The proposed development is subject to the density, height, and setback requirements for the North Venice Subarea. Subsection 2.b limits density in commercial zones to that of the R3 zone. The project is subject to and complies with a density limitation of 1 dwelling unit for each 800 square feet of lot area and 1 guest room for each 500 square feet. The project site is approximately 46,877 square feet. The proposed four dwelling units and 78 guest rooms are within the allowable density for the subject site. The project proposes a maximum height of 30 feet with a flat roof, consistent with the height limitation of subsection 3.a. The proposed dwelling units, located on the third floor, are set back five feet from the required

yard (zero feet), consistent with subsection 4.a. The project complies with the applicable provisions of Section 10.F of the Specific Plan.

**Section 11 Commercial Design Standards.** The mixed-use project includes commercial uses on the ground floor, providing a Street Wall for more than 65 percent of the Building Frontage, with a minimum height of 13 feet. More than 50 percent of the Street Walls are designed with windows, pedestrian entrances, and storefronts; no blank walls are provided. Pedestrian entrances are provided on all frontages. The project proposes a maximum Floor Area Ratio of 1.5:1 for project comprised of retail, restaurant, office, and residential uses. All unpaved areas are landscaped, lighting is directed onsite, and trash/recycling areas are provided within the proposed structure. As conditioned, the project complies with the applicable provisions of Section 11.B of the Specific Plan.

**Section 13 Parking.** The project provides 184 automobile parking spaces within a subterranean, automated parking garage, as provided in the table below:

USE	PARKING STANDARD	PROJECT	REQUIRED/PROVIDED
<b>Hotel</b>	2 spaces; <i>plus</i>		2 spaces
Dwelling Unit	2 spaces per DU; <i>plus</i>	4 dwelling units	8 spaces
Guest Room	1 space per guest room (first 30 rms); <i>plus</i> 1 space per 2 guest rooms (31-60 rms); <i>plus</i> 1 space per 3 guest rooms (60+ rms); <i>plus</i>	78 guest rooms	51 spaces
Service Floor Hotel Restaurant	1 space per 100 SF of floor area used for consumption of food or beverages.	2,514 SF Service Floor	25 spaces
<b>Office</b>	1 space per 250 SF	2,027 SF	8 spaces
<b>Spa</b>	1 space per 250 SF	1,735 SF	7 spaces
<b>Retail</b>	1 space per 225 SF	2,935 SF	13 spaces
(w/ seating)	1 space per 50 SF	170 SF	3 spaces
<b>Beach Impact Zone</b>	1 space per 640 SF of ground floor area	14,256.75 SF	22 spaces
			139 spaces
<i>Existing Restaurants</i>	<i>1 space per 50 SF of Service Floor Area</i>	<i>2,268 SF</i>	<i>45 spaces</i>
<b>Total Automobile Parking Spaces</b>			184 spaces

The proposed mixed-use project complies with the parking standards outlined in Table D. of the Specific Plan as well as the Beach Impact Zone (BIZ) parking requirements outlined in Subsection E. In addition, the proposed project provides a minimum 45 parking spaces for two existing restaurants located at 1021-1029 South Abbot Kinney Boulevard. Any existing required parking for the existing restaurants are required to be maintained. Minor interior and exterior improvements are proposed for the structures with Service Floor areas of 927 square feet (1021-1025 Abbot Kinney Blvd.) and 1,341 square feet (1027-

1029 Abbot Kinney Blvd.). As conditioned, the project complies with the applicable provisions of Section 13 of the Specific Plan.

**The project complies with the Findings outlined in Section 8.C as follows:**

- a. **The Venice Coastal Development Project is compatible in scale and character with the existing neighborhood, and would not be materially detrimental to adjoining lots or the immediate neighborhood.**

The subject project site is approximately 46,877 square feet of lot area comprised of nine lots in a block bound by Electric Avenue to the north, Westminster Avenue to the east, Broadway to the west, and Abbot Kinney Boulevard to the south; three lots abutting the project site are developed with a parking lot, a building formerly used as a church (1039-1041 Abbot Kinney), and an office formerly used as a multifamily residence (1043 Abbot Kinney), are not included in the project site. The properties to the north and northeast are zoned RD1.5-1 and are developed with one and two-story, single and multi-family structures; the residential structures abutting Electric Avenue are one-story. The property east of the site maintains a 1-story commercial building (fitness use) and 2-story residential building above groundfloor parking in the C2-1-CA zone; the property south of the site includes the Westminster Avenue Elementary School located within the [Q]PF-1XL zone, the school's frontage on Abbot Kinney includes a 2-story structure, open recreation field, and a parking lot.

The proposed mixed-use project consists of four new structures, connected by pedestrian bridges and walkways, ranging in height from two stories and 23 feet in height to three stories and 30 feet in height. The proposed project frontage on Abbot Kinney Boulevard is comprised of a two-story structure to house a new restaurant (replacing an existing restaurant) and will be similar in height to an existing two-story restaurant abutting the lot. A three-story structure, to be located on the southeast corner of the project site is proximate to similar three-story mixed-use structures on Abbot Kinney Boulevard and Westminster Avenue, immediately abutting the lot the west is a two-story commercial structure.

The main structure of the proposed project consists of three stories (30 feet) of mixed-uses, rooftop deck, and groundfloor parking, with frontage and vehicle access on Electric Avenue; the structure would be located within 45 feet of one-story residential structures along the north side of Electric Avenue. The proposed structures are similar to existing two and three-story structures with rooftop decks and groundfloor garages located on Abbot Kinney Boulevard east and west of the project site. The existing structures are adjacent to similar one and two-story, single and multi-family residential structures north of Electric Boulevard. As such the proposed development is compatible in scale and character with the existing neighborhood, consistent with the character of Abbot Kinney Boulevard and Electric Boulevard, and would not be materially detrimental to the adjoining lots or immediate area.

- b. **The Venice Coastal Development Project is in conformity with the certified Venice Local Coastal Program.**

The Venice Local Coastal Land Use Plan ("LUP") was certified by the California Coastal Commission on June 14, 2001. However, the necessary Implementation Plan was not certified and Local Coastal Program was not adopted by the City and certified by the Coastal Commission. The City is in the initial stages of preparing a new LCP; prior to its

adoption the guidelines contained in the certified LUP are advisory. A full discussion of the applicable policies of the certified LUP is provided in Finding No. 8. As stated, the proposed project conforms to the applicable policies of the LUP and development standards of the Venice Specific Plan.

- c. **The applicant has guaranteed to keep the rent levels of any Replacement Affordable Units at an affordable level for the life of the proposed project and to register the Replacement Affordable Unit with the Los Angeles Housing Department.**

As discussed in Finding No. 18, the project includes the demolition of three single-family dwellings. However, as reviewed by the Los Angeles Housing Department (LAHD) in a letter dated July 6, 2010, no affordable units exist at 1047-1051 Abbot Kinney Boulevard. As such, no Replacement Affordable Units are required.

- d. **The Venice Coastal Development Project is consistent with the special requirements for low- and moderate-income housing units in the Venice Coastal Zone as mandated by California Government Code Section 65590 (Mello Act).**

As discussed in Findings No. 18-19, the subject project consists of the demolition of three single-family residential structures and construction of a mixed-use development containing four new Residential Units. Pursuant to Part 2.4.2 of the Interim Administrative Procedures, developments which consist of nine or fewer Residential Units are Small New Housing Developments and are categorically exempt from the Inclusionary Residential Unit requirement. Therefore no Inclusionary Residential Units are required.

- 17. **The project incorporates mitigation measures, monitoring measures when necessary, or alternatives identified in the environmental review that would mitigate the negative environmental effects of the project, to the extents physically feasible.**

The City of Los Angeles (the "City"), as Lead Agency, has evaluated the environmental impacts of implementation of the Venice Place Project by preparing an EIR (Case Number ENV-2016-4321-EIR/State Clearinghouse No. 2016061033) and Erratum dated July 6, 2020. The EIR and Erratum were prepared in compliance with the California Environmental Quality Act of 1970, Public Resources Code Section 21000 et seq. (CEQA) and the California Code of Regulations Title 15, Chapter 6 (the "CEQA Guidelines"). The findings discussed in this document are made relative to the conclusions of the EIR. CEQA Section 21002 provides that "public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects[.]" The procedures required by CEQA "are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects." CEQA Section 21002 goes on to state that "in the event [that] specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects thereof."

The Final EIR contains a Mitigation Monitoring Program, which identifies mitigation measures for the project. A full discussion of the EIR and environmental clearance is outlined in Finding No. 22 of this document.



### **Mello Act Compliance Review**

Pursuant to the City of Los Angeles Interim Administrative Procedures for Complying with the Mello Act, all Conversions, Demolitions, and New Housing Developments must be identified in order to determine if any Affordable Residential Units are onsite and must be maintained, and if the project is subject to the Inclusionary Residential Units requirement. Accordingly, pursuant to the settlement agreement between the City of Los Angeles and the Venice Town Council, Inc., the Barton Hill Neighborhood Organization, and Carol Berman concerning implementation of the Mello Act in the Coastal Zone Portions of the City of Los Angeles, the findings are as follows:

#### **18. Demolitions and Conversions (Part 4.0).**

The project includes the demolition three single-family residential structures currently utilized as the Ecole Claire Fontaine Day Care Center, in operation since 2004. Although the single-family structures currently maintain nonresidential uses, they are legally permitted as dwelling units. A Determination issued by the Los Angeles Housing and Community Investment Department (HCIDLA), previously the Los Angeles Housing Department (LAHD), dated July 6, 2010 found that no affordable units exist at 1047-1051 Abbot Kinney Boulevard. LAHD's determination found *the property had been operated as a day care center since 2004, and there are currently no units being used for residential purposes*. Furthermore, the proposed project includes the construction of four new Residential Units (dwelling units within a mixed-use structure), as such the project would not result in a Conversion and would maintain a Residential Use on the project site.

Therefore, no Affordable Existing Residential Units are proposed for demolition or conversion; and the applicant is not required to provide any Affordable Replacement Units.

#### **19. Categorical Exemptions (Part 2.4) Small New Housing Developments.**

The project proposes the construction of a mixed-use development comprised of 78 guest rooms, four Residential Units, and commercial uses. Pursuant to Part 2.4.2 of the Interim Administrative Procedures, developments which consist of nine or fewer Residential Units are Small New Housing Developments and are categorically exempt from the Inclusionary Residential Unit requirement. Therefore, the proposed development of four new Residential Units is found to be categorically exempt from the Inclusionary Residential Unit requirement for New Housing Developments.

### **Waiver of Street Dedications and Improvements**

The Director of Planning may waive, reduce, or modify the required dedication or improvement, based on substantial evidence in the record, after making any of the following findings set forth in LAMC Section 12.37-1.2(b). A Notice of Requested Waiver was mailed on June 4, 2018 as required under LAMC Section 12.37-1.2(a). One (1) written comment was received from the Department of Transportation (DOT) during the 14-day comment period. DOT recommended a waiver of no more than 2.5 feet on Electric Avenue, to ensure a 5-foot wide sidewalk is provided.

#### **20. The dedication or improvement is not necessary to meet the City's mobility needs for the next 20 years based on guidelines the Streets Standards Committee has established.**

The project site abuts Electric Avenue to the north, Broadway to the west, Westminster Avenue to the east, and Abbot Kinney to the south. The applicant requests a waiver of the required street dedication on Electric Avenue to provide a 4.5-foot dedication in lieu of the

7.5 feet otherwise required and on Westminster Avenue to provide a 2-foot dedication in lieu of the 5 feet otherwise required.

Electric Avenue is designated as a Local Street with a current right-of-way width of 40 feet, having a roadway width of 22.5 feet. Designated Local Streets are required to have a 60-foot-wide right-of-way and a 36-foot wide roadway. The street currently provides one travel lane in each direction and parking on both sides of the street, as such no additional dedication is necessary to widen the roadway. However, a dedication is necessary to construct a new sidewalk adjacent to the project site. A minimum width of five feet is necessary to meet ADA requirements for three feet of unobstructed access and provide additional area for future street lights and trees. As such, a 7.5-foot dedication is not necessary, a minimum 5-foot wide dedication and 2.5-foot wide ground level easement satisfies the objective of the Mobility Plan to provide safe access for pedestrians. The 2.5-foot wide ground level easement would require improvements (to the satisfaction of BOE) for public, pedestrian access. The resulting 7.5-foot wide sidewalk is consistent with the pedestrian improvements along Electric Avenue.

Westminster Avenue is designated as a Local Street with a current right-of-way width of 50 feet, having a roadway width of 28 feet. The required 5-foot dedication would result in a sidewalk width of 12 feet and half-roadway width of 18 feet. The street currently provides one travel lane in each direction and parking on both sides of the street; parking is restricted along red-curb areas adjacent to the subject site. The requested dedication of two feet, in lieu of the required 5 feet, would result in a sidewalk width of 12 feet and half roadway width of 15 feet.

As provided in the Complete Streets Design Guide, *Local Streets are intended to accommodate lower volumes of vehicle traffic. Local streets have one lane in each direction and have parking on both sides of the street.* The reduced street dedications would maintain the roadway widths and existing parking, while enhancing the pedestrian realm, increasing and promoting safe pedestrian access to and from the project site. Therefore, the required dedications and improvements are necessary to meet the City's mobility needs for the next 20 years, based on guidelines the Street Standards Committee has established.

## **ADDITIONAL MANDATORY FINDINGS**

21. The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 172,081, have been reviewed and it has been determined that this project is located in Zone C, areas of minimal flooding.

## **22. FINDINGS OF FACT (CEQA)**

### **a. INTRODUCTION**

The Environmental Impact Report (EIR), consisting of the Draft EIR and the Final EIR, is intended to serve as an informational document for public agency decision-makers and the general public regarding the objectives and environmental impacts of the Venice Place Project (Project), located at 1021, 1021 ½, 1023, 1023 ½, 1025, 1027, 1029 ½, 1031, 1033, 1047, 1049, and 1051 South Abbot Kinney Boulevard, and 1011 Electric Avenue (Site or Project Site). The Applicant proposes to demolish a portion of the existing uses at the Project Site to clear the way for a 70,310 square-foot mixed use development,

including 58,638 net new square feet of floor area, and 13,389 square feet of open space (10,426 square feet of net new open space). The Project would consist of a three-story building with a maximum height of 30 feet, a floor area ratio of 1.5:1, 184 parking spaces in a three level underground garage and 56 bicycle spaces. Upon completion, uses on the Project Site would include a hotel with 78 guest rooms and 4 apartments and 16,926 square feet of office, restaurant, and retail (including spa) uses, including 6,419 square feet of retained existing office and restaurant uses.

The City of Los Angeles (the "City"), as Lead Agency, has evaluated the environmental impacts of implementation of the Venice Place Project by preparing this EIR (Case Number ENV-2016-4321-EIR/State Clearinghouse No. 2016061033). The EIR was prepared in compliance with the California Environmental Quality Act of 1970, Public Resources Code Section 21000 et seq. (CEQA) and the California Code of Regulations Title 15, Chapter 6 (the "CEQA Guidelines"). The findings discussed in this document are made relative to the conclusions of the EIR. CEQA Section 21002 provides that "public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects[.]" The procedures required by CEQA "are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects." CEQA Section 21002 goes on to state that "in the event [that] specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects thereof."

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

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

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

The findings provided below include the following:

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

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

### ***Environmental Review Process and Record of Proceedings.***

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

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

**Notice of Preparation.** Pursuant to the provisions of Section 15082 of the State CEQA Guidelines, the City then circulated a Notice of Preparation (NOP) to State, regional and local agencies, and members of the public for a 32-day period commencing on January 12, 2017, and ending on February 13, 2017. The purpose of the NOP was to formally inform the public that the City was preparing a Draft EIR for the Project, and to solicit input regarding the scope and content of the environmental information to be included in the Draft EIR. Written comment letters responding to the NOP were submitted to the City by various public agencies, interested organizations and individuals. The NOP, Initial Study, and NOP comment letters are included in Appendices A-1 through A-3 of the Draft EIR.

**Draft EIR.** The Draft EIR evaluated in detail the potential effects of the Project. It also analyzed the effects of a reasonable range of alternatives to the Project, including a "No Project" alternative. The Draft EIR for the Project (State Clearinghouse No. 2016061033), incorporated herein by reference in full, was prepared pursuant to CEQA and State, Agency, and City CEQA Guidelines (City of Los Angeles California Environmental Quality Act Guidelines). The Draft EIR was circulated for a 46-day public comment period beginning on January 10, 2019, and ending on February 25, 2019. A Notice of Availability (NOA) was distributed on January 10, 2019 to all property owners within 500 feet of the Project Site and interested parties, which informed them of where they could view the document and how to comment. The Draft EIR was available to the public at the City of

Los Angeles, Department of City Planning, and the following local libraries: Los Angeles Central Library, Venice-Abbot Kinney Memorial Branch Library, and Mar Vista Branch Library. A copy of the document was also posted online at <https://planning.lacity.org>. Notices were filed with the County Clerk on January 10, 2019.

**Notice of Completion.** A Notice of Completion was sent with the Draft EIR to the Governor's Office of Planning and Research State Clearinghouse for distribution to State Agencies on January 10, 2019, and notice was provided in newspapers of general and/or regional circulation.

**Final EIR.** The City released a Final EIR for the Project on July 3, 2019, which is hereby incorporated by reference in full. The Final EIR constitutes the second part of the EIR for the Project and is intended to be a companion to the Draft EIR. The Final EIR also incorporates the Draft EIR by reference. Pursuant to Section 15088 of the CEQA Guidelines, the City, as Lead Agency, reviewed all comments received during the review period for the Draft EIR and responded to each comment in Section II, Responses to Comments, of the Final EIR. In addition, the Final EIR contains a Mitigation Monitoring Program for the Project, included in Section IV, Mitigation Monitoring Program, of the Final EIR. On July 3, 2019, responses were sent to all public agencies that made comments on the Draft EIR at least 10 days prior to certification of the EIR pursuant to CEQA Guidelines Section 15088(b). Notices regarding availability of the Final EIR were also sent to property owners and occupants within a 500-foot radius of the Project Site, as well as anyone who commented on the Draft EIR, and interested parties.

**Erratum.** The City released an Erratum for the Project in July 6, 2020, which included corrections and minor modifications to the EIR. The Erratum addressed corrections to replace any references to an Apartment Hotel use with a mixed use project, including a hotel use, and to modify the Project Design Feature for the Traffic Demand Management (TDM) program to remove reference to an airport shuttle from the site. The Erratum states that this information does not represent significant new information that would affect the analysis or conclusions presented in the Final EIR.

**Appeal Recommendation Report.** The City released an Appeal Staff Report on July 6, 2020, in response to four appeals on the approval of the Project, including appeals raising issues on the EIR, as well as a Supplemental Report on July 14, 2020.

**Public Hearings.** A noticed public hearing for the Project was held by the Associate Zoning Administrator on August 1, 2019 and by the West Los Angeles Area Planning Commission on July 15, 2020.

In addition, the following documents and other materials also constitute the administrative record upon which the City approved the Project. The following information is incorporated by reference and made part of the record supporting these Findings of Fact:

- All Project plans and application materials including supportive technical reports;
- The City of Los Angeles General Plan and related EIR;
- The Southern California Association of Governments (SCAG)'s 2016-2040 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) and related EIR (SCH No. 2015031035);
- Municipal Code of the City of Los Angeles, including but not limited to the Zoning Ordinance and Subdivision Ordinance;

- All records of decision, resolutions, staff reports, memoranda, maps, exhibits, letters, minutes of meetings, summaries, and other documents approved, reviewed, relied upon, or prepared by any City commissions, boards, officials, consultants, or staff relating to the Project;
- Any documents expressly cited in these Findings of Fact, in addition to those cited above; and
- Any and all other materials required for the record of proceedings by Public Resources Code Section 21167.6(e).

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

In addition, copies of the Draft EIR and Final EIR are available on the Department of City Planning's website at <http://planning.lacity.org> (to locate the documents click on the "Development Services" tab, then "Published Documents" under "Environmental Review," and look for the Project title, where the Draft and Final EIR are made available). The Draft and Final EIR are also available at the following three Library Branches:

- Los Angeles Central Library—630 West Fifth Street, Los Angeles, CA 90071
- Venice-Abbot Kinney Memorial Branch Library—501 Venice Boulevard, Venice, CA 90291
- Mar Vista Branch Library—12006 Venice Boulevard, Los Angeles, CA 90066

#### **b. PROJECT DESCRIPTION**

The proposed project is the demolition of six existing structures and surface parking lot, for the construction of a 63,891 square-foot mixed-use development (70,310 square feet of new and existing development) consisting of: the maintenance of two existing restaurants, the demolition of a 2,442 square-foot restaurant and the construction of a 3,810 square-foot hotel restaurant having 2,514 square-feet of Service Floor area, a new mixed-use building with four residential dwelling units and 78 hotel guest rooms, 2,935 square feet of ground floor retail space including a market with 170 square feet of Service Floor area, a 1,735 square-foot spa, and 2,027 square feet of office space. The project will construct three (3) new three-story mixed-use buildings, a maximum of 30 feet in height, and one (1) new two-story building, approximately 25 feet in height; all new structures are connected by pedestrian bridges and subterranean levels. Tenant improvements are proposed to the existing restaurant structures comprised of interior and exterior improvements. The project provides a total of 184 parking spaces, at grade and within three subterranean levels.

#### **c. NO IMPACT OR LESS THAN SIGNIFICANT WITHOUT MITIGATION**

Impacts of the Project that were determined to have no impact or be less than significant in the EIR (including having a less than significant impact as a result of implementation of project design features and regulatory compliance measures) and that require no mitigation are identified below. The City has reviewed the record and concludes that the following environmental issues would not be significantly affected by the Project and therefore, no additional findings are needed. The following information does not repeat the

full discussions of environmental impacts contained in the EIR. The City ratifies, adopts, and incorporates the analysis, explanation, findings, responses to comments, and conclusions of the EIR.

### ***Aesthetics***

#### *Project Design Features:*

**AES-PDF-1** The Project Applicant shall ensure through appropriate posting and daily visual inspections that no unauthorized materials are posted on any temporary construction barriers or temporary pedestrian walkways and that such temporary barriers and walkways are free of trash, graffiti, peeling postings, and are of uniform paint color or graphic treatment throughout the construction period.

#### *Impact Summary:*

Pursuant to SB 743 and ZI 2454, and discussed in pages 19–21 of the Initial Study, the Project is located within a Transit Priority Area and would therefore result in no impact to Aesthetics.

### ***Agricultural and Forestry Resources***

#### *Impact Summary:*

As noted in pages 22–23 of the Initial Study, the project site is commercially zoned (C2) and located in a heavily urbanized area. The project site does not contain any agricultural uses, and is not delineated as such on any maps prepared pursuant to the Farmland Mapping and Monitoring Program. Therefore there is no impact to Agricultural and Forestry Resources.

### ***Air Quality***

#### *Project Design Features:*

**AIR-PDF-1** The construction contractor will coordinate with the school administrator of the Westminster Elementary School to minimize student and staff exposure to air pollution during construction. The School will be provided with the name and phone number of one decision making member of the construction team to act as the liaison. Control measures that may be enacted at the request of the School administrator to minimize pollutant exposure include but are not limited to:

- Watering beyond the requirements of South Coast Air Quality Management District (SCAQMD) Rule 403 (Fugitive Dust).
- Reduced earthwork activity during high wind conditions in the direction of Westminster Elementary School, which the SCAQMD defines as 25 miles per hour gusts.
- Maintaining construction equipment in accordance with manufacturer specifications. The contractor will keep documentation on-site demonstrating compliance.
- Turning off construction truck and vehicle engines when idling will exceed five minutes.

#### *Impact Summary:*

As noted in pages 24–26 of the Initial Study and Section 4.B of the Draft EIR, and the Appeal Recommendation Report, the project would not conflict with the implementation of the 2016 Air Quality Management Plan, as the analysis shows that increases in particulate matter or other criteria pollutant emissions during construction would not exceed the SCAQMD-recommended significance thresholds, and the project is otherwise consistent with all air quality plans. Regional and localized emissions during both the construction and operational phases of the project also fall under South Coast Air Quality Management District thresholds. The project would also not subject sensitive receptors or other people to substantial pollutant concentrations or odors. Therefore the project will result in less than significant impacts related to air quality.

### ***Biological Resources***

#### ***Impact Summary:***

As noted in pages 27–29 of the Initial Study, the project is located within a heavily urbanized, disturbed area and does not contain any sensitive natural communities, federally protected wetlands, or migratory wildlife corridors, and there is no local habitat conservation plan, and so the project has no impacts related to these categories of biological resources. The project will comply with the Federal Migratory Bird Treaty Act and the City's required tree removal and replacement program, ensuring that impacts to Biological Resources categories a and e are less than significant.

### ***Cultural Resources (Thresholds b, c, and d)***

#### ***Impact Summary:***

As noted in pages 30–32 of the Initial Study and Section 4.C.3.d of the Draft EIR, the excavation for an underground parking structure has the potential to affect archeological or paleontological resources or human remains, none of which are currently known to exist on the project site. However, compliance with all relevant required regulatory measures would ensure that impacts to cultural resources for thresholds b, c, and d would be less than significant.

### ***Geology and Soils***

#### ***Impact Summary:***

As noted in pages 33–36 of the Initial Study and Section 4.D of the Draft EIR, the project is not located on a site with an active seismic fault, slopes susceptible to landslides, oil field, expansive soil, septic tank, prominent geologic features, or other unusual geological conditions. Analysis shows that while there is a potential for liquefaction in the soils on the project site, settlement magnitudes are considered within acceptable levels by LADBS. Furthermore, compliance with the Uniform Building Code, the LADBS Landform Grading Manual Guidelines, and the recommendations and conditions provided within the Geotechnical Report and the conditions included in the LADBS Soils Report Approval Letter would keep all impacts related to Geology and Soils to a less than significant level.

### ***Greenhouse Gas (GHG) Emissions***

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

**GHG-PDF-1** The proposed project should reflect at least twenty (20) percent of the total code required parking spaces provides for all types of parking facilities, but in no case less than one location should be capable of supporting future electric vehicle supply equipment (EVSE). Plans will indicate the proposed



type and location(s) of EVSE and also include raceway method(s), wiring schematics and electrical calculations to verify that the electrical system has sufficient capacity to simultaneously charge all electric vehicles at all designated EV charging locations at their full rated amperage. Plan design shall be based upon Level 2 or greater EVSE at its maximum operating capacity. Five (5) percent of the total code required parking spaces shall be further provided with EV chargers to immediately accommodate electric vehicles within the parking areas. When the application of either the 20 or 5 percent results in a fractional space, round up to the next whole number. A label stating "EVCAPABLE" shall be posted in a conspicuous place at the service panel or subpanel and next to the raceway termination point.

- GHG-PDF-2** The design of the new buildings shall incorporate features to be capable of achieving at least a Silver certification under the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED®) or equivalent. Such LEED features shall include energy-efficient buildings, a pedestrian- and bicycle-friendly site design, and water conservation measures, among others.

*Impact Summary:*

As detailed in Section 4.E of the Draft EIR, the project would be LEED certified and include features such as a Transportation Demand Management plan and EV-ready parking spaces to ensure compliance with GHG reduction plans. The project would not interfere with the State's efforts to meet GHG reduction goals and policies, resulting in a less than significant impact.

**Hazards and Hazardous Materials**

*Impact Summary:*

As detailed in Section 4.F of the Draft EIR and in pages 38–40 of the Initial Study, the project would not involve the use of hazardous materials, interference with an emergency plan, exposure to wildlands, or proximity to a private airstrip or airport land use plan. The Phase I Environmental Site Assessment revealed no evidence of recognized environmental conditions at the project site. The site is located within a Methane Zone, but compliance with regulations would keep impacts to a less-than-significant level, both for methane and for the release of any potential hazardous materials found during the demolition process.

**Hydrology/Water Quality**

*Impact Summary:*

As noted in pages 41–45 of the Initial Study, construction of the project will require the implementation of a Storm Water Pollution Prevention Plan and the approval by the City Engineer and other responsible agencies of the site drainage plans. The project site is flat and already developed with impermeable surfaces, and development of the underground parking garage will be subject to regulatory compliance with the Geotechnical Report and LADBS Approval Letter, ensuring that impacts related to Hydrology or Water Quality are kept to a less than significant level.

**Land Use and Planning**

*Impact Summary:*

As noted on page 46 of the Initial Study and detailed in Section 4.G of the Draft EIR, the project is not of a size or type to physically divide an established community and is contained within an existing city block. The analysis of the project's consistency with the various applicable land use plans did not find any substantial conflict, and therefore the impacts with regard to Land Use and Planning would be less than significant.

### ***Mineral Resources***

#### ***Impact Summary:***

As noted in pages 47–48 of the Initial Study, the project is not located within any Major Oil Drilling districts, and no oil wells exist on the project site. Furthermore, according to the Conservation Element of the General Plan, the site and its vicinity are highly urbanized, developed areas not accessible for mining extraction. Therefore development of the project would not interfere with any known mineral resources, and there would be no impacts related to Mineral Resources.

### ***Noise (Thresholds e and f) and Operational Noise (Thresholds a, b, c)***

#### ***Impact Summary:***

As noted in pages 50–51 of the Initial Study, the project site is not located within an airport land use plan, is not located within two miles of a public airport or public use airport, and is not within the vicinity of any private airstrips. Therefore the project would not introduce substantial new sources of noise, or subject area residents or workers to airport-related noise hazards, and there would be no impacts related to thresholds e and f within the Noise category.

Operational on-site noise impacts were also evaluated for Noise thresholds a and c, based on the project including a variety of operational noise sources that would be contained within the building structures, in the open spaces areas, or passive sources that generate low levels of noise. These are constrained by Project Design Features NOI-1, NOI-2, and NOI-3. It is anticipated that project activities would occasionally be audible at adjacent land uses (e.g., truck, valet, or balcony activity), but these activities would not increase the permanent CNEL at the property line of affected uses by 3 dBA CNEL to or within 70 to 75 dBA or incrementally increase the permanent CNEL by more than 5 dBA. Therefore, on-site noise impacts would not result in a substantial permanent increase in ambient noise levels in the project vicinity above existing levels. Impacts would be less than significant and no mitigation is required.

Off-site operation-related noise impacts were also evaluated for Noise threshold a, based on truck noise for solid waste collection. Solid waste would continue to be stored along Broadway and would not constitute a new noise source. Therefore, solid waste generation would not increase daily truck noise and would not increase the existing CNEL. Therefore, mobile noise impacts would not result in the exposure of persons to or generation of noise levels in excess of the City's standards. Impacts would be less than significant and no mitigation is required.

For Noise threshold b, the project's ongoing operations would not include significant sources of vibration or groundborne noise, such as heavy equipment operations or subterranean transit activities. Operational vibration in the project vicinity would be limited to vehicular travel on the local roadways. Similar to existing conditions, traffic-related vibration levels would not be perceptible by sensitive receptors. Therefore, operation of the project would not result in exposure of persons to or generation of excessive

groundborne vibration. Impacts associated with operation vibration would be less than significant and no mitigation is required.

See Section 4.H (Noise) of the Draft EIR and pages 49-51 of the Initial Study. See also Appendix 4-1 (Noise Appendix) of the Draft EIR. See also Section II (Responses to Comments, LAUSD and Amanda Seward letters) and Appeal Recommendation Report.

### ***Population and Housing***

#### ***Impact Summary:***

For threshold a, as noted on page 52 of the Initial Study and Section 4.I of the Draft EIR, the Project would be consistent with the City's Housing Element's goals, objectives, and policies and applicable employment growth plans and policies of the City. The Project would: (1) concentrate growth in accordance with the guidelines set forth by the applicable regional and local regulatory frameworks; (2) support the creation of new jobs; and (3) include a mix of commercial and residential uses, all in the same development, thereby advancing the goal of providing mixed-use facilities within the urbanized areas of the City of Los Angeles. The Project would help achieve a portion of the City's household growth goal, while also being consistent with regional policies to reduce urban sprawl, utilize the existing infrastructure, reduce regional congestion, and improve air quality through the reduction of vehicle miles traveled (VMT). The new jobs and housing associated with the Project would be within SCAG's growth forecasts for the City of Los Angeles. Thus, the Project would not directly induce substantial population or employment growth. Impacts relating to inducing substantial population growth in an area, either directly or indirectly, would be less than significant, and no mitigation is required.

As noted on page 53 of the Initial Study, the project would not displace any housing or residents, as none exist on the project site. Instead, the project proposes to build several residences as part of a mixed-use project. Therefore there would be no displacement of housing or residents, and there would be no impacts related to thresholds b and c within the Population and Housing category.

### ***Public Services***

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

**POL-PDF-1:** Prior to the issuance of a grading permit and prior to the issuance of a certificate of occupancy, the Project Applicant or its successor will submit a diagram of the Project Site to the LAPD Pacific Division Commanding Officer that includes access routes and any additional information that might facilitate police response.

#### ***Impact Summary:***

1. As noted on page 55 of the Initial Study and detailed in Section 4.J.1 of the Draft EIR, the Project would fall within the LAFD's maximum prescribed response distances from a fire station with an engine company and a truck company. As such, impacts with regard to LAFD response distance thresholds would be less than significant and would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts.

2. As noted on page 55 of the Initial Study and detailed in Section 4.J.2 of the Draft EIR, cumulative and project-specific impacts on police services would not result in substantial adverse physical impacts associated with the provision of a new or physically altered police station, the need for a new or physically altered police station, the construction of which would cause significant environmental impacts, in order to maintain police protection performance objectives. Therefore, impacts related to Public Services (Police) would be less than significant.
3. As noted on page 55 of the Initial Study and detailed in Section 4.J.3 of the Draft EIR, cumulative development would not result in substantial adverse physical impacts associated with the provision of new or physically altered school facilities in order to maintain acceptable service ratios or performance objectives for the District. As the Project would not result in a substantial incremental contribution to the cumulative demand for school services, the Project would not have a cumulatively considerable impact to schools. Cumulative impacts to school facilities would be less than significant.
4. Furthermore, as noted on pages 55-56 of the Initial Study, only four residences are being constructed for the project, which is lower than the six-unit LAMC threshold for requiring open space to be supplied with the project. Nevertheless, 13,336 square feet of open space is being provided with the project. Impacts on Public Services with regard to public recreation areas are therefore anticipated to be less than significant. The small increase in population associated with the project would also not be expected to result in any substantial adverse physical impacts associated with the provision of new library facilities, or a need for new or physically altered library facilities. Therefore impacts related to Public Services with regard to libraries would be less than significant.

### ***Recreation***

#### ***Impact Summary:***

As noted on page 57 of the Initial Study, only four residences are being constructed for the project, with is lower than the six-unit LAMC threshold for requiring open space to be supplied with the project. Nevertheless, 13,336 square feet of open space is being provided with the project. Use of existing park facilities would be negligible. Therefore, impacts related to Recreation would be less than significant.

### ***Transportation/Circulation***

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

#### **TRANS-PDF-1 Construction Management Plan**

Prior to the start of construction, the Project Applicant will prepare a Construction Management Plan (CMP) and submit it to LADOT for review and approval. The CMP shall include a Worksite Traffic Control Plan to facilitate vehicle and pedestrian movement, and minimize potential conflicts between construction activities, vehicle traffic, bicyclists and pedestrians. The CMP and Worksite Traffic Control Plan will include, but not be limited to the following measures:

- Maintain access for land uses in the vicinity of the Project Site during construction;
- Control truck and vehicle access to the Project Site with flagmen;

- Prepare a haul truck route program that specifies the construction truck routes to and from the Project Site;
- Schedule construction activities to reduce the effect on traffic flow on arterial streets;
- Safety precautions for pedestrians and bicyclists through such measures as alternate routing and protection barriers.
- Schedule construction-related deliveries other than concrete and earthwork-related deliveries, to reduce travel during peak travel periods.
- No bus stops would be relocated and no bus lines would be rerouted due to Project construction.

### **TRANS-PDF-2 Transportation Demand Management (TDM) Program**

The Project Applicant shall submit to DOT a Transportation Demand Management (TDM) Plan designed to reduce the total net project trips during the peak commute periods. The “peak trip goal” shall be 80 (driveway) P.M. peak hour trips generated by the project as shown in Table 4 provided in Attachment “A” of Appendix K-2 of the Draft EIR. The TDM Plan will prepare and implement a TDM Program that includes strategies to promote non-auto travel and reduce the use of single-occupant vehicle trips. As appropriate, these measures would be designed to provide incentives for use of transit and rideshare, to reduce the number of vehicle trips, and facilitate LADOT’s First and Last Mile Program. A full detailed description of the TDM Program shall be prepared by a licensed Traffic Engineer and submitted to DOT for will be subject to review and approval, prior to the issuance of any certificate of occupancy by the Department of City Planning and LADOT. The TDM Program strategies shall include, but shall not be limited to, the following:

- Implementation of an interactive, digital Transit Information Display;
- Implementing flexible/alternative work schedules and telecommuting programs;
- Implement enhanced pedestrian connections (e.g. improve sidewalks, widen crosswalks adjacent to the project, and pedestrian level lighting, etc.);
- Design the project to ensure a bicycle, pedestrian and transit friendly environment;
- Providing bicycle amenities such as bicycle racks and lockers for employees;
- Participation in the Metro Business Transit Access Pass (B-TAP) Program;
- Providing bicycles for patrons and employees to use;
- Provide parking as an option only (i.e. unbundle the parking);
- Coupled with the unbundled parking, provide on-site car share amenities;
- Provide rideshare program and support for project employees and tenants;

The project shall also provide a mitigation monitoring system to confirm that the project is achieving the trip reduction target as needed.

### **TRANS-PDF-3 Loading Zone Operational Hours**

The Project loading zone will only be operated Monday through Friday, 7:00 AM to 6:00 PM; Saturday, 10:00 AM to 4:00 PM; except as follows: There shall be no deliveries 45 minutes prior to Westminster Elementary School commencement time and 15 minutes after school commencement time. No deliveries will be permitted until one hour after the end of Westminster Elementary School's school day. No deliveries on Sunday will require the use of the loading zone.

#### **TRANS-PDF-4 On-street Loading Zone**

The Project includes the installation of a loading zone on Broadway, adjacent to the Project Site. The installation of on-street loading zone shall require the review and approval by LADOT's Western District Office. Since the Project is located within the California's Coastal Zone, an establishment of on-street loading zone would also require the approval by the California Coastal Commission.

#### **TRANS-PDF-5 Circulation and Access**

Install signage to prohibit U-turn movements westbound on Abbot Kinney Boulevard at Broadway. Install curb extensions or bulbouts at the street corners along Abbot Kinney Boulevard, immediately to the east and west of Broadway. The curb extensions would reduce the pedestrian crossing distance on Abbot Kinney Boulevard, as well as provide narrower travel lanes to potentially reduce speeds along this roadway.

#### **TRANS-PDF-6 Valet Operations**

Staff will be present at the inbound driveway to the Main Valet Area at all times, to divert vehicles as needed to the Secondary Valet Area at the south side of the site. The Secondary Valet Area will be staff at 5 PM everyday. Staff at both locations will be able to communicate instantaneously via wireless communication, to enable quick re-routing of inbound vehicles.

#### **TRANS-PDF-7 Construction Activity Near Westminster Elementary School**

- The Project Applicant will maintain ongoing contact with the Westminster Elementary School administration. The school's administrative offices will be notified prior to the start of the Project's construction activities. The Project Applicant will obtain walk and bus routes to the schools from either the school's administration or from the Los Angeles Unified School District's Transportation Branch (213) 580-2950 and if necessary, install temporary barriers and signage to ensure access to the school's walk and bus routes are maintained.
- The Project Applicant will install appropriate traffic signs (e.g., "sidewalk closed") around the site to ensure pedestrian and vehicle safety.
- The Project Applicant will maintain safe and convenient pedestrian routes to Westminster Elementary School. Crossing guards and/or flag men will be provided at the Project Applicant's expense as needed to ensure safe passage.
- Barriers and/or fencing will be installed to secure construction equipment and to minimize trespassing, vandalism, short-cut attractions, and attractive nuisances.
- The Project Applicant will provide security patrols to minimize trespassing, vandalism, and short-cut attractions.

- When Westminster Elementary School is in session there will be no staging or parking of construction vehicles, including vehicles to transport workers, on the south side of Abbot Kinney Boulevard, between Broadway and Westminster Avenue.

#### **TRANS-PDF-8 Schools affected by Haul Route**

- The Los Angeles Department of Building and Safety (LADBS) will assign specific haul route hours of operation based upon Westminster Avenue Elementary School hours of operation.
- Haul route scheduling will be sequenced to minimize conflicts with pedestrians, school buses and cars at the arrival and dismissal times of the school day. Haul route trucks will not be routed past the school during periods when school is in session especially when students are arriving or departing from the campus.

#### **TRANS-PDF-9 Automated Parking**

The three lifts in the Main Valet Area will have a total minimum service rate of 80 vehicles per hour (combined input and output) (approximately 27 per hour per lift).

#### *Impact Summary:*

As noted in pages 58–60 of the Initial Study, and detailed in Section 4.K of the Draft EIR, a Traffic Impact Study was prepared for the project and approved by the Los Angeles Department of Transportation. As discussed in the analysis therein, the Project would not result in significant traffic impacts during the AM and PM peak period under Existing With Project Conditions and Future With Project Conditions. As such, the Project would not conflict with an applicable plan, ordinance, or policy, including the Congestion Management Plan, establishing measures of effectiveness for the performance of the circulation system. Therefore impacts related to Transportation thresholds a) and b) would be less than significant.

The project also does not contain any aviation-related uses, and is not located within an airport land use plan area or within two miles of an airport. Therefore safety risks associated with changes in air traffic patterns (Transportation threshold c) would not occur and no impact would occur. Compliance with the conditions contained within the LADOT approval letter would keep impacts related to site access, circulation, and queueing (Transportation threshold d) less than significant. Implementation of TRANS-PDF-1 through the preparation of a Construction Management Plan would keep construction impacts on emergency access (Transportation threshold e) less than significant. The Project would be consistent with existing City policies regarding alternative transportation; therefore, implementation of the Project would not conflict with adopted policies, plans, or programs regarding public transit, and/or bicycle/pedestrian facilities. Impacts regarding Transportation threshold f would therefore be less than significant.

#### **Utilities and Service Systems**

#### *Impact Summary:*

As noted in pages 63–65 of the Initial Study and Section 4.M.1 of the Draft EIR, the project would not exceed wastewater treatment requirements, and would not cause a measurable increase in wastewater flow at a point where, and at a time when, a sewer's capacity is already constrained or that would cause a sewer's capacity to be constrained. As such, Project construction and operation would not (a) require or result in the construction of a

new wastewater treatment facility or expansion of existing facilities, the construction of which could cause significant environmental effects, or (b) result in a determination by the wastewater treatment provider that serves or may serve the Project that it does not have adequate capacity to serve the Project's projected demand in addition to the provider's existing commitments. Thus, impacts with regard to wastewater generation and infrastructure capacity would be less than significant.

As noted in pages 63–65 of the Initial Study and Section 4.M-2 of the Draft EIR, project-related water facilities and water demand were analyzed and found to be within the capacity of LADWP water facilities and water supplies. Impacts to the existing water infrastructure and facilities would be less than significant.

As noted in pages 63–65 of the Initial Study and Section 4.M.3 of the Draft EIR, the project would be served by a landfill with sufficient permitted capacity to accommodate both the project's construction and operational solid waste disposal needs. Therefore, impacts to solid waste facilities would be less than significant. Furthermore, the project would comply with federal, State, and local statutes and regulations regarding solid waste, so the project would have no impact with respect to Utilities threshold g.

#### **d. LESS THAN SIGNIFICANT IMPACTS WITH MITIGATION**

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

#### ***Tribal Cultural Resources***

##### ***Impact Summary:***

As noted on page 59 of the Initial Study and Section 4.L of the Draft EIR, the potential for unknown tribal cultural resources to be present was assessed and the Project area may contain deeply buried features or artifacts associated with Native Americans. If present, such resources have the potential to be significant under CEQA.

##### ***Mitigation Measures:***

**TRIBAL-MM-1** Prior to commencing any ground disturbance activities including excavating, digging, trenching, plowing, drilling, tunneling, quarrying, grading, leveling, removing peat, clearing, pounding posts, augering, backfilling, blasting, stripping topsoil or a similar activity at the project site, the Applicant, or its successor, shall retain and pay for archeological monitors, determined by the City's Office of Historic Resources to be qualified to identify subsurface tribal cultural resources. The archeological monitors shall observe all ground disturbance activities on the project site beneath the disturbed alluvial soils/fill at all times the ground disturbance activities beneath the disturbed alluvial soils/fill are taking place. If ground disturbance activities beneath the disturbed alluvial soils/fill are simultaneously occurring at multiple locations on the project site, an



archeological monitor shall be assigned to each location where the ground disturbance activities are occurring.

Prior to the commencement of any ground disturbance activities at the project site, the Applicant, or its successor, shall notify any California Native American tribes that have informed the City they are traditionally and culturally affiliated with the geographic area of the proposed project that ground disturbance activities, beneath the disturbed alluvial soils/fill, are about to commence and invite the tribes to observe the ground disturbance activities, beneath the disturbed alluvial soils/fill, if the tribes wish to monitor. In the event that any subsurface objects or artifacts that may be tribal cultural resources are encountered during the course of any ground disturbance activities, all such activities shall temporarily cease within the area of discovery, the radius of which shall be determined by the qualified archeologist, until the potential tribal cultural resources are properly assessed and addressed pursuant to the process set forth below:

1. Upon a discovery of a potential tribal cultural resource, the Applicant, or its successor, shall immediately stop all ground disturbance activities, beneath the disturbed alluvial soils/fill, and contact the following: (1) all California Native American tribes that have informed the City they are traditionally and culturally affiliated with the geographic area of the proposed project; (2) and the Department of City Planning, Office of Historic Resources.
2. If the City determines, pursuant to Public Resources Code Section 21074 (a)(2), that the object or artifact appears to be a tribal cultural resource in its discretion and supported by substantial evidence, the City shall provide any affected tribe a reasonable period of time, not less than 14 days, to conduct a site visit and make recommendations to the Applicant, or its successor, and the City regarding the monitoring of future ground disturbance activities, as well as the treatment and disposition of any discovered tribal cultural resources.
3. The Applicant, or its successor, shall implement the tribe's recommendations if a qualified archaeologist, retained by the City and paid for by the Applicant, or its successor, reasonably concludes that the tribe's recommendations are reasonable and feasible.
4. In addition to any recommendations from the applicable tribe(s), a qualified archeologist shall develop a list of actions that shall be taken to avoid or minimize impacts to the identified tribal cultural resources substantially consistent with best practices identified by the Native American Heritage Commission and in compliance with any applicable federal, state or local law, rule or regulation.
5. If the Applicant, or its successor, does not accept a particular recommendation determined to be reasonable and feasible by the qualified archaeologist, the Applicant, or its successor, may request mediation by a mediator agreed to by the Applicant, or its successor, and the City. The mediator must have the requisite professional qualifications and experience to mediate such a dispute. The City shall make the determination as to whether the mediator is at least minimally qualified to mediate the dispute. After making a reasonable effort to mediate this particular dispute, the City may (1) require the recommendation be implemented as originally proposed by the

archaeologist; (2) require the recommendation, as modified by the City, be implemented as it is at least as equally effective to mitigate a potentially significant impact; (3) require a substitute recommendation be implemented that is at least as equally effective to mitigate a potentially significant impact to a tribal cultural resource; or (4) not require the recommendation be implemented because it is not necessary to mitigate any significant impacts to tribal cultural resources. The Applicant, or its successor, shall pay all costs and fees associated with the mediation.

6. The Applicant, or its successor, may recommence ground disturbance activities outside of a specified radius of the discovery site, so long as this radius has been reviewed by a qualified archaeologist and determined to be reasonable and appropriate.
7. The Applicant, or its successor, may recommence ground disturbance activities inside of the specified radius of the discovery site only after it has complied with all of the recommendations developed and approved pursuant to the process set forth in paragraphs 2 through 5 above.
8. Copies of any subsequent prehistoric archaeological study, tribal cultural resources study or report, detailing the nature of any significant tribal cultural resources, remedial actions taken, and disposition of any significant tribal cultural resources shall be submitted to the South Central Coastal Information Center (SCCIC) at California State University, Fullerton and to the Native American Heritage Commission for inclusion in its Sacred Lands File.
9. Notwithstanding paragraph 8 above, any information determined to be confidential in nature, by the City Attorney's office, shall be excluded from submission to the SCCIC or the general public under the applicable provisions of the California Public Records Act, California Public Resources Code, section 6254(r), and shall comply with the City's AB 52 Confidentiality Protocols.

*Finding:*

Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.

*Rationale for Finding:*

**Mitigation Measure TRIBAL-MM-1**, detailed above, includes monitoring for tribal cultural resources by a qualified archaeologist during the initial excavation phase, and would ensure proper identification, treatment, and preservation of any resources. Implementation of TRIBAL-MM-1 would reduce potentially significant impacts to tribal cultural resources to less than significant levels.

*Reference:*

For a complete discussion of the project's impacts associated with tribal cultural resources, see Section 4.L (Tribal Cultural) of the Draft EIR. See also Appendix L (Tribal Cultural Resources Assessment, non-confidential, December 2018) of the Draft EIR.

**e. SIGNIFICANT AND UNAVOIDABLE IMPACTS**

The Final EIR determined that the environmental impacts set forth below are significant and unavoidable. In order to approve the project with significant unmitigated impacts, the City is required to adopt a Statement of Overriding Considerations, which is set forth in a separate section below. No additional environmental impacts other than those identified

below will have a significant effect or result in a substantial or potentially substantial adverse effect on the environment as a result of the construction or operation of the project. The City finds and determines that:

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

### ***Cultural Resources (Threshold a)***

#### ***Impact Summary:***

The Project would have a direct impact on historical resources. 1047, 1047A, and 1047B S. Abbot Kinney Boulevard appear to be eligible for local designation and therefore are historical resources under CEQA. The three bungalows would be demolished as a result of the Project and a new three-story building would be constructed on the site. Therefore, the Project would have a significant adverse impact on these historical resources.

As for indirect impacts to historic resources, the overall integrity of setting of the Charles H. Whittlesley Residence and 1100 S. Abbot Kinney Boulevard has already been changed by new construction, and both historical resources would remain highly visible and continue to be prominent features of the blocks on which they are located. Therefore, the Project would not result in a substantial adverse change to the immediate surroundings of these historical resources to the degree that they would no longer be eligible for listing under national, state, or local landmark programs.

#### ***Mitigation Measures:***

##### **CUL-MM-1 1. Recordation**

Prior to the issuance of a demolition permit, a Historic American Building Survey (HABS) Level II report documenting the architectural and historical significance of 1047, 1047A, and 1047B S. Abbot Kinney Boulevard shall be prepared. One original copy of the report shall be assembled and distributed to the Southern California Information Center at California State University Fullerton, the Los Angeles Conservancy, the Los Angeles Central Library, and the City of Los Angeles Office of Historic Resources. Before submitting any documents, each repository must be contacted to ensure that they are willing and able to accept the items. The report shall be created by a historic preservation professional meeting the Secretary of the Interior's Professional Qualifications Standards for history or architectural history with demonstrated experience in creating HABS Level II documentation. The report shall include:

- a. A written report according to the HABS narrative format, which includes historical and descriptive information, index to photographs, and photo key plan.
- b. Duplicates of historic photographs, if available.
- c. Duplicates of original drawings, if available.

d. Large format (4" x 5" or larger) black and white photographs based on HABS guidelines. The photographs shall be keyed to a site plan to show the location of each photograph taken. Views shall include the setting of the district and exterior views of at least half of the contributing buildings.

**CUL-MM-2****2. Salvage and Reuse**

The Project Applicant shall create a salvage and reuse plan identifying elements and materials that can be saved prior to the issuance of a demolition permit. The plan shall be prepared by a historic preservation professional meeting the Secretary of the Interior's Professional Qualifications Standards for architectural history or historic architecture with demonstrated experience in developing salvage and reuse plans. The plan shall be submitted to the City of Los Angeles Office of Historic Resources. Elements and materials that may be salvageable include: decorative elements, framing members, light fixtures, plumbing fixtures, and flooring materials such as tiles and hardwood. The salvageable items shall be removed in the gentlest, least destructive manner possible. The plan shall identify an indoor, weather-controlled space where items can be stored. The Applicant shall identify individuals, organizations, or businesses interested in receiving salvageable items in consultation with the City of Los Angeles Office of Historic Resources.

**CUL-MM-3****3. Relocation**

Prior to obtaining a final certificate of occupancy, the Project Applicant shall make 1047, 1047A, and 1047B S. Abbot Kinney Boulevard available to third parties for relocation and/or salvage at no cost for the structures (the third party shall be responsible for costs associated with the relocation and/or salvage activities). No earlier than 90 days before the commencement of construction of the Project, the Project Applicant shall publicize the availability of these structures for relocation and/or salvage by publishing a notice in a newspaper of general circulation and by directly informing potentially interested parties. Any relocation and/or salvage activities undertaken by third parties shall be fully completed prior to the commencement of Project construction.

*Finding:*

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

*Rationale for Finding:*

Implementation of Mitigation Measures CUL-MM-1, CUL-MM-2, and CUL-MM-3 would not reduce the direct impact on the historical resources to a less than significant level, but is recommended nonetheless to document the history of the area for the sake of posterity. The only way of avoiding the direct impact on the historical resources would be to redesign the Project to preserve 1047, 1047A, and 1047B S. Abbot Kinney Boulevard. Impacts would be significant and unavoidable.

*Reference:*

For a complete discussion of the project's impacts associated with cultural resources, see Section 4.C (Cultural Resources) of the Draft EIR and pages 30-32 of the Initial Study. See also Appendices C-2 (Archaeology Response, April 6, 2016), C-3 (Paleontology Response, April 8, 2016), F (Historic Resources Technical Report, August 2018) of the

Draft EIR. See also Section II (Responses to Comments, Amanda Seward letter) of the Final EIR. See also Responses to Appeals, including Exhibit 7 (GPA Letter on Appeal). See also Appeal Recommendation Report.

### ***Construction Noise (Thresholds a, b, and d)***

#### *Project Design Features:*

- PDF-NOI-1** Outdoor amplified sounds systems shall be designed as to not exceed a maximum noise level of 64 dBA  $L_{eq}$ . A noise consultant shall provide written documentation that the design of the system complies with these maximum noise levels.
- PDF NOI-2** Non-squeal paving finishes (i.e. paving finishes that are not smooth, often referred to as “broom finishes”) shall be used within the Project’s valet parking area.
- PDF-NOI-3** The central courtyard area would accommodate up to 200 individuals and permit non-amplified music. The courtyard operating hours will be from 7:00 a.m. to 1:00 a.m.

#### *Impact Summary:*

Construction noise impacts are evaluated in Section 4.H of the Draft EIR, based on information and technical analysis provided in the Noise and Vibration Study by Terry A. Hayes Associates, Inc., June 2018 and the Appeal Recommendation Report. Concerning Noise threshold a and Noise threshold d, Table 4.H-9 in Section 4.H of the Draft EIR evaluates the unmitigated construction noise levels at seven nearby sensitive receptors, and the 5-dBA/10-day significance threshold is exceeded at six of them. Thus, on-site construction noise would result in the exposure of persons to or generation of noise levels in excess of the City’s standards and would result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project. Prior to the implementation of mitigation, the Project would result in a significant impact from construction-related noise.

Off-site construction-related noise impacts were also evaluated for Noise thresholds a and d, based on truck noise on nearby streets. As shown in Table 4.H-10 of the Draft EIR, construction truck traffic would result in a maximum noise level increase of approximately 1.9 dBA  $L_{eq}$ . These incremental noise level increases would not exceed 5 dBA, which is the threshold established by the CEQA Thresholds Guide. During other construction phases, the number of construction truck trips would be lower, which would result in lower noise levels. Therefore, off-site noise impacts related to haul truck noise levels would not result in the exposure of persons to or generation of noise levels in excess of the City’s standards. Impacts would be less than significant and no mitigation is required.

Regarding Noise threshold b, construction-related vibration impacts were evaluated in Section 4.H of the Draft EIR, based on information and technical analysis provided in the Noise and Vibration Study by Terry A. Hayes Associates, Inc., June 2018 and in the Appeal Recommendation Report.

Construction activity would not result in building damage at sensitive receptors (i.e. the residential and school buildings identified as being sensitive due to their users) but would result in annoyance at the residences directly across Electric Avenue, Broadway, and Westminster Avenue. Without mitigation, the project would result in exposure of persons

to or generation of excessive groundborne vibration. Impacts associated with construction vibration in these places could be potentially significant.

Construction activity would occur adjacent to other buildings (located at 1041/1043 Abbot Kinney, not the identified sensitive receptors) on the project's block and would potentially result in structural damage to the church building (currently occupied as office) and office building, in addition to potentially resulting in annoyance to users of the office building. Without mitigation, the project would result in exposure of persons to or generation of excessive groundborne vibration. Impacts associated with construction vibration in these places could be potentially significant.

*Mitigation Measures:*

- NOI-MM-1** Power construction equipment (including combustion engines), fixed or mobile, shall be equipped with state-of-the-art noise shielding and muffling devices (consistent with manufacturers' standards). All equipment shall be properly maintained to assure that no additional noise, due to worn or improperly maintained parts, would be generated.
- NOI-MM-2** Project construction shall not include the use of driven (impact) pile systems.
- NOI-MM-3** Grading and construction contractors shall use rubber-tired equipment rather than metal-tracked equipment.
- NOI-MM-4** When possible, the construction contractor shall use on-site electrical or solar sources to power equipment rather than diesel generators. Solar generator and electric generator equipment shall be located as far away from sensitive uses as possible.
- NOI-MM-5** Noise and vibration construction activities whose specific location on the project site may be flexible (e.g., operation of compressors and generators) shall be conducted as far away as possible from the nearest sensitive land uses, and natural and/or manmade barriers (e.g., intervening construction trailers) shall be used to screen propagation of noise from such activities towards these land uses. The construction contractor shall locate construction staging areas away from noise-sensitive uses.
- NOI-MM-6** Barriers, such as, but not limited to, plywood structures or flexible sound control curtains extending eight feet in height shall be erected around the project site to minimize the amount of noise during construction on the nearby noise-sensitive uses located offsite. These barriers shall be capable of reducing noise levels by at least 10 dBA.
- NOI-MM-7** Flexible sound control curtains shall be placed around jackhammers, drilling apparatuses, and drill rigs used within the project site to the extent feasible. These sound curtains shall be capable of reducing noise levels by at least 10 dBA.
- NOI-MM-8** A "noise disturbance coordinator" shall be established. The disturbance coordinator shall be responsible for responding to local complaints about construction noise. The disturbance coordinator shall determine the cause of the noise complaint (e.g., starting too early, bad muffler, etc.) and shall be required to implement reasonable measures such that the complaint is resolved. All notices that are sent to residential units within 500 feet of the construction site and all signs posted at the construction site shall list the telephone number for the disturbance coordinator.
- NOI-MM-9** Haul routes shall be located on major arterial roads within non-residential areas. If not feasible, haul routes shall be reviewed and approved by Los

- Angeles Department of Transportation before the haul route can be located on arterial roads in residential areas.
- NOI-MM-10** Construction supervisors shall be informed of project-specific noise requirements, noise issues for sensitive land uses adjacent to the construction site, and/or equipment operations to ensure compliance with the required regulations, best practices, and other restrictions placed on the Project to conform with the required mitigation measures.
- NOI-MM-11** Prior to initiating construction activity, the construction contractor shall coordinate with the site administrator for the Westminster Avenue Elementary School to discuss construction activities that generate high noise levels. The School shall be provided with the name and phone number of one member of the construction team to act as the liaison. Coordination between the site administrator and the construction contractor shall continue on an as-needed basis throughout the construction phase of the project to mitigate potential disruption of classroom activities. Should the administrator indicate that the school is being impacted by noise issues during construction, the contractor shall implement additional control measures that may include but are not limited to:
- Ceasing disruptive construction activities during noise-sensitive school activities (e.g., state testing and graduation ceremonies).
  - Improving noise barriers with additional acoustical materials or other methods as reasonable and practical.
  - Temporarily shifting the disruptive activity to an area of the project site that would not result in disruption until the termination of the special event.
- NOI-MM-12** Non-amplified music and live entertainment on roof decks shall be positioned on the south side of the decks. The location shall be as far as possible from residences on Electric Avenue.
- NOI-MM-13** Prior to commencement of construction activity, a qualified structural engineer shall survey the existing foundation and other structural aspects of adjacent commercial buildings located on the same block as the Project. The qualified structural engineer shall hold a valid license to practice structural engineering in the State of California. The qualified structural engineer shall submit a preconstruction survey letter establishing baseline conditions. These baseline conditions shall be forwarded to the lead agency and to the mitigation monitor prior to issuance of any foundation only or building permit for the Project. At the conclusion of vibration causing activities, the qualified structural engineer shall issue a follow-on letter describing damage, if any, to adjacent buildings. The letter shall include recommendations for any repair, as may be necessary. Repairs shall be undertaken prior to issuance of any temporary or permanent certificate of occupancy for the new building.

*Finding:*

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

*Rationale for Finding:*

For Noise Thresholds a. and d., the Project would be required to comply with Mitigation Measures NOI-MM-1 through NOI-MM-11, which are feasible measures to control noise levels, including engine mufflers and noise blanket barriers. These mitigation measures would reduce noise levels associated with individual pieces of equipment and combined construction noise levels. For example, NOI-MM-1 would reduce heavy-duty equipment noise levels by at least 3 dBA. NOI-MM-5 would reduce ground-level construction noise by 10 dBA for ground-level receptors.

Mitigated noise levels associated with construction activities are shown in Table 4.H-12 of the Draft EIR. Noise in this table was estimated for the structural phase of construction, which would include multi-story construction activity. As a result, the worst-case analysis does not account for the 10-dBA ground-level source to ground-level receptor reduction. The 10 dBA source to ground level receptor reduction is a reduction in noise levels due to the vertical distance between a source at an elevated position and a ground level receptor. The analysis only assumes noise attenuation due to horizontal distance to present the most conservative assessment of construction noise. Therefore, the presented noise levels are conservative and would likely be quieter as the vertical distance from the source to receptor increases. Equipment vibration for an aboveground project is only related to the ground level construction equipment and the 10 dBA attenuation has no bearing on the vibration levels. Nonetheless, it was conservatively concluded that the 5-dBA significance threshold would be exceeded at multiple sensitive receptors during construction activities. Therefore, with mitigation, the Project would result in a significant and unavoidable impacts related to exposure of persons to or generation of noise levels in excess of the City's standards and resulting in a substantial temporary or periodic increase in ambient noise levels.

For Noise Threshold b, Mitigation Measure NOI-MM-13 would reduce vibration impacts associated with on-site construction activity by requiring a survey of existing buildings by a qualified structural engineer. Should any damage occur post-construction, the engineer shall submit recommendations for repair. However, construction activity would result in short term and intermittent annoyance at multiple sensitive receptors. There are no feasible mitigation measures to substantially reduce typical equipment-related vibration in an urban environment. Therefore, with mitigation, the Project would result in a significant and unavoidable impact related to construction vibration.

**NOI-MM-12** would ensure that non-amplified music and live entertainment on roof decks would be located away from residences on Electric Avenue. By locating this noise source on the south side of the roof deck, the roof deck would function as a noise barrier blocking the line-of-sight between music and residences. Because the music would not be amplified, the combination of the glass or heavy plastic safety wall along the edge of the building and the blocked line-of-site and would ensure that the music would not be audible at residences along Electric Avenue. The Project would result in a less-than-significant impact related to operational noise levels.

*Reference:*

For a complete discussion of the project's impacts associated with noise, see Section 4.H (Noise) of the Draft EIR and pages 49–51 of the Initial Study. See also Appendix 4-I (Noise Appendix) of the Draft EIR. See also Section II (Responses to Comments, LAUSD and Amanda Seward letters) and Section III (Revisions, Clarifications, and Corrections) of the Final EIR.

## **f. ALTERNATIVES**



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

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

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

### ***Project Objectives***

Section 15124(b) of the California Environmental Quality Act (CEQA) Guidelines states that the project description shall contain "a statement of the objectives sought by the proposed project." Section 15124(b) of the CEQA Guidelines further states that "the statement of objectives should include the underlying purpose of the project." The underlying purpose of the Project is to revitalize the Project Site by developing a high-quality mixed-use development that provides a new hotel use, and neighborhood-serving retail and restaurant uses that serve the community and promote walkability. As set forth in the CEQA Guidelines, the Project's objectives are:

- Support the growth of the City's economic base through the introduction of an economically viable project that includes revenue generating commercial activities and tax revenues.
- To construct a high-quality mixed-use development anchored by a hotel, consistent with the uses and densities envisioned for the General Plan Framework Community Center designation, which may include overnight accommodations, cultural and entertainment facilities, and neighborhood-oriented services.
- Consistent with the Venice Coastal Land Use Plan Policy I.B.6 and designation of Community Commercial, provide a hotel use on one of two blocks on Abbot Kinney on which a hotel use is preferred.
- To develop a Project that is appropriate in scale and design to the adjacent residential neighborhoods.
- To provide visitor serving commercial activities.

### ***Alternatives Analyzed***

#### ***Description of Alternative: Alternative 1, No Project***

Under Alternative 1, the existing uses would remain, and the Project Site would continue to function as an office, restaurant, and pre-school site. The existing uses on the Project Site total 11,672 square feet, including three restaurants totaling 7,517 square feet, 2,583 square feet of office space, and a 1,572 square-foot private school. There is also 2,963 square feet of existing open space and surface parking at the Project Site. No changes would be made to the Project Site. Future on-site activities would be limited to the continued operation and maintenance of existing land uses.

*Impact Summary:*

Alternative 1 would avoid the Project's significant and unavoidable impacts that cannot be feasibly mitigated with respect to historic resources, construction noise and construction vibration. Impacts associated with the remaining environmental issues would be less than those of the Project.

*Finding:*

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

*Rationale for Finding:*

Regarding the project objective to support the growth of the City's economic base through the introduction of an economically viable project that includes revenue generating commercial activities and tax revenues, this would not be met. Alternative 1 would not redevelop the Project Site, or expand the economic base of the City through increased commercial activity and tax revenue.

Regarding the project objective to construct a high-quality mixed-use development anchored by a hotel, consistent with the uses and densities envisioned for the General Plan Framework Community Center designation, which may include overnight accommodations, cultural and entertainment facilities, and neighborhood-oriented services, this would not be met. Alternative 1 would not provide a mix of uses on the Project Site because it would not include residential or hotel uses.

Regarding the project objective to, consistent with the Venice Coastal Land Use Plan Policy I.B.6 and designation of Community Commercial, provide a hotel use on one of two blocks on Abbot Kinney on which a hotel use is preferred, this would not be met. Alternative 1 would not be consistent with Policy I.B.6 because it would not include a hotel. Regarding the project objective to develop a Project that is appropriate in scale and design to the adjacent residential neighborhoods, this would not be met. Alternative 1 would not change the uses currently at the Project Site. The existing surface parking lot and lack of interior walkways on the Westminster frontage is not consistent with the scale and design of the adjacent neighborhoods.

Regarding the project objective to provide visitor serving commercial activities, this would not be met. Alternative 1 would continue the existing uses at the Project Site, which include restaurant uses. However, it would not expand the commercial activities at the Project Site that would serve visitors to the area.

*Reference:*

For a complete discussion of Alternative 1 and its impacts see Section 6.A (Alternative 1: No Project) of the Draft EIR.

***Description of Alternative: Alternative 2, Reduced Hotel Option:***

The Reduced Hotel Option (Alternative 2) would reduce the hotel use by 25 rooms. All the rooms in the wing fronting Westminster and wing fronting Broadway would be converted to office use. Those rooms would be replaced by 13,169 square feet of office, an increase of 11,142 square feet as compared to the Project. Additionally, Alternative 2 would replace

2,027 square feet of ground floor office, as well as the hotel library and business center (1,713 square feet) with retail uses. The total retail use square footage proposed under Alternative 2 would be 6,274 square feet, an increase of 3,339 square feet compared to the Project. The following uses would remain unchanged from the Project: 3,810 square feet restaurant uses, 1,735 square feet spa uses, and 4 residential units. In summary, Alternative 2 would provide 53 hotel rooms, 4 residential units, 13,169 square feet of office, 3,810 square feet of restaurant, 6,274 square feet of retail, and 1,735 square feet of spa. 205 parking spaces (an increase of 30 spaces as compared to the Project) would be provided in two underground levels with automated lifts, similar to the Project.

*Impact Summary:*

Alternative 2 would not eliminate the significant and unavoidable construction noise and vibration, even with mitigation measures proposed. Alternative 2 would not substantially lessen the significant construction noise and vibration impact. This is because of the proximity to sensitive receptors in the area, including residential and Westminster Elementary.

Alternative 2 would not eliminate the significant and unavoidable historic resources impacts, even with implementation of Mitigation Measures **CUL-MM-1**, **CUL-MM-2**, and **CUL-MM-3**. 1047, 1047A, and 1047B Abbot Kinney Boulevard appear to be eligible for local designation and therefore are historical resources under CEQA. Like the Project, the three bungalows would be demolished as a result of Alternative 2 and a new three-story building would be constructed on the Project Site.

Alternative 2 would not eliminate the significant and unavoidable construction noise and vibration, even with mitigation measures proposed. This is because of the proximity to sensitive receptors in the area, including residential and Westminster Elementary. Alternative 2 would create two new significant traffic impacts at the intersection of Pacific Avenue/Brooks Avenue and at Venice Boulevard/Abbot Kinney Boulevard. In comparison, the Project would not create any significant impacts at the study intersections.

*Finding:*

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

*Rationale for Finding:*

Regarding the project objective to support the growth of the City's economic base through the introduction of an economically viable project that includes revenue generating commercial activities and tax revenues, this would be met. Alternative 2 would redevelop the Project Site, and would expand the economic base of the City through increased commercial activity and tax revenue, albeit to a lesser extent than the Project due to the reduction in hotel rooms.

Regarding the project objective to construct a high-quality mixed-use development anchored by a hotel, consistent with the uses and densities envisioned for the General Plan Framework Community Center designation, which may include overnight accommodations, cultural and entertainment facilities, and neighborhood-oriented services., this would be met. Alternative 2 would provide a mix of uses on the Project Site, including residential and hotel uses.

Regarding the project objective to, consistent with the Venice Coastal Land Use Plan Policy I.B.6 and designation of Community Commercial, provide a hotel use on one of two blocks on Abbot Kinney on which a hotel use is preferred, this would be met. Alternative 2 would be consistent with Policy I.B.6 because it would include a hotel on the block on which a hotel use is preferred, albeit to a lesser extent than the Project due to the reduction in hotel rooms.

Regarding the project objective to develop a Project that is appropriate in scale and design to the adjacent residential neighborhoods, this would be met. Alternative 2 would be the same scale and design as the Project and would be consistent with the adjacent residential neighborhood. The design would resemble contemporary modern styles with horizontal elements, large glass facades, and exposed industrial materials, such as brick, wood, and metal. The new structures would wrap around and above the existing restaurants to be retained. Several walkways connect Abbot Kinney Boulevard, Broadway, and Westminster Avenue, with the interior of the Project Site and its central courtyard, while second and third level pedestrian walkways connect the multiple buildings. The building layout, new building compositions, and material choice allow the retained buildings to maintain their identity while integrating them into the overall new design of the Project Site.

Regarding the project objective to provide visitor serving commercial activities, this would be met. Alternative 2 would include hotel, retail, spa, and additional restaurant uses that would serve visitors to the area.

*Reference:*

For a complete discussion of Alternative 2 and its impacts see Section 6.B (Alternative 2: Reduced Hotel Option) of the Draft EIR. Also see Appendices K-1 (Traffic Impact Study, December 2018) and N-1 (Alternative – Air Quality Modeling, April 2017).

***Description of Alternative: Alternative 3, Reduced Daily Noise Option***

The Reduced Daily Noise Option (Alternative 3) would change the construction schedule and working hours to reduce daily noise during construction. It would construct the same program as the Project. The total size of new building construction would remain 63,891 square feet.

The intent of this alternative is to limit the loudest construction activities at sensitive uses during the most noise sensitive hours of the day, such as early morning or evening. Heavy-duty and particularly noisy equipment (e.g., backhoes, loaders, jackhammers, etc.) would be prohibited from operating before 8:00 AM and after 4:00 PM on weekdays and before 9:00 AM and after 4:00 PM on Saturdays. As a comparison, LAMC Section 41.40 allows all construction equipment to be used from 7:00 AM to 9:00 PM on weekdays and from 8:00 AM to 6:00 PM on Saturdays. The revised construction schedule (due to reducing the per-day working hours) would extend the overall construction period from approximately 582 days to approximately 621 days.

In summary, Alternative 3 would consist of 78 hotel rooms, 4 residential units, 2,027 square feet of office, 3,810 square feet of restaurant, 2,935 square feet of retail, and 1,735 square feet of spa. This is the same program as the Project. 175 parking spaces would be provided in two underground levels with automated lifts, like the Project.

*Impact Summary:*

Alternative 3 would not avoid the Project's significant and unavoidable impacts that cannot be feasibly mitigated with respect to historic resources, construction noise and construction vibration.

Alternative 3 would not eliminate the significant and unavoidable historic resources impacts, even with implementation of **Mitigation Measures CUL-MM-1, CUL-MM-2, and CUL-MM-3**. 1047, 1047A, and 1047B Abbot Kinney Boulevard appear to be eligible for local designation and therefore are historical resources under CEQA. Like the Project, the three bungalows would be demolished as a result of Alternative 3 and a new three-story building would be constructed on the Project Site.

Alternative 3 would directly reduce noise levels within the community during the early AM (before 9 AM) and later PM (after 4 PM) hours. However, the significance noise threshold (which is based on an incremental noise level increase of 5 dBA), would still be exceeded at the same sensitive land uses during the noisiest construction activities. Alternative 3 would not substantially lessen the significant construction noise and vibration impact. This is because of the proximity of the Project Site to sensitive receptors in the area, including residential uses and Westminster Elementary.

*Finding:*

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

*Rationale for Finding:*

Regarding the project objective to support the growth of the City's economic base through the introduction of an economically viable project that includes revenue generating commercial activities and tax revenues, this would be met. Alternative 3 would redevelop the Project Site, and would expand the economic base of the City through increased commercial activity and tax revenue, same as the Project.

Regarding the project objective to construct a high-quality mixed-use development anchored by a hotel, consistent with the uses and densities envisioned for the General Plan Framework Community Center designation, which may include overnight accommodations, cultural and entertainment facilities, and neighborhood-oriented services, this would be met. Alternative 3 would provide a mix of uses on the Project Site because it would include residential and hotel uses.

Regarding the project objective to, consistent with the Venice Coastal Land Use Plan Policy I.B.6 and designation of Community Commercial, provide a hotel use on one of two blocks on Abbot Kinney on which a hotel use is preferred, this would be met. Alternative 3 would be consistent with Policy I.B.6 because it would include a hotel on the block on which a hotel use is preferred, same as the Project.

Regarding the project objective to develop a Project that is appropriate in scale and design to the adjacent residential neighborhoods, this would be met. Alternative 3 would be the same scale and design as the Project and would be consistent with the adjacent residential neighborhood. The design would resemble contemporary modern styles with horizontal elements, large glass facades, and exposed industrial materials, such as brick, wood, and metal. The new structures would wrap around and above the existing restaurants to be retained. Several walkways connect Abbot Kinney Boulevard, Broadway,

and Westminster Avenue, with the interior of the Project Site and its central courtyard, while second and third level pedestrian walkways connect the multiple buildings. The building layout, new building compositions, and material choice allow the retained buildings to maintain their identity while integrating them into the overall new design of the Project Site.

Regarding the project objective to provide visitor serving commercial activities, this would be met. Alternative 3 would include hotel, retail, spa, and additional restaurant uses for visitor serving commercial activities.

*Reference:*

For a complete discussion of Alternative 3 and its impacts see Section 6.C (Alternative 3: Reduced Daily Noise Option) of the Draft EIR. Also see Appendix K-1 (Traffic Impact Study, December 2018).

***Description of Alternative: Alternative 4, Historic Preservation Option***

Alternative 4 would preserve and adaptively reuse the 3 bungalows structures at 1047, 1047A, and 1047B Abbot Kinney Boulevard within the overall Project Site. The bungalows would be moved approximately 40 feet to the southeast to front Westminster Avenue, renovated in accordance with the Secretary of Interior's Standards (Standards) to preserve the character defining features, and used as retail/commercial space. The hotel wing fronting Westminster, which would be reduced by a minimum of 800 square feet, would incorporate the bungalows into its design. Alternative 4 would reduce the hotel use by 1 room and reduce the hotel room rentable square footage by 800 square feet, as compared to the Project. The overall square footage of the development would be reduced by the same 800 square feet, as compared to the Project. Dimensions and setbacks from the street and adjacent properties would also be reduced. As a result, five of the larger hotel rooms (ranging from 409 square feet to 571 square feet) would be reduced in size to 315 square feet to 398 square feet. Alternative 4 would also create non-standard retail spaces; in part, because the bungalows would be used as retail space, the largest contiguous useable retail space in Alternative 4 would be approximately 700 square feet, as compared to 2,935 square feet of retail with the Project. The following new uses would be unchanged from the Project: 3,810 square feet restaurant uses, 1,735 square feet spa uses, 4 residential units, and 2,027 square feet of office uses. 175 parking spaces would be provided in two underground levels with automated lifts, similar to the Project.

*Impact Summary:*

Alternative 4 would not avoid the Project's significant and unavoidable impacts that cannot be feasibly mitigated with respect to construction noise and construction vibration. As compared to the Project. Alternative 4 would eliminate the significant and unavoidable historic resources impacts by retaining the 3 historic bungalows.

*Finding:*

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

*Rationale for Finding:*

Regarding the project objective to support the growth of the City's economic base through the introduction of an economically viable project that includes revenue generating

commercial activities and tax revenues, this would be met. Alternative 4 would redevelop the Project Site, and would expand the economic base of the City through increased commercial activity and tax revenue, same as the Project.

Regarding the project objective to construct a high-quality mixed-use development anchored by a hotel, consistent with the uses and densities envisioned for the General Plan Framework Community Center designation, which may include overnight accommodations, cultural and entertainment facilities, and neighborhood-oriented services, this would be met. Alternative 4 would provide a mix of uses on the Project Site because it would include residential and hotel uses.

Regarding the project objective to, consistent with the Venice Coastal Land Use Plan Policy I.B.6 and designation of Community Commercial, provide a hotel use on one of two blocks on Abbot Kinney on which a hotel use is preferred, this would be met. Alternative 4 would be consistent with Policy I.B.6 because it would include a hotel on the block on which a hotel use is preferred, same as the Project, albeit to a lesser extent than the Project due to the reduction in one hotel room.

Regarding the project objective to develop a Project that is appropriate in scale and design to the adjacent residential neighborhoods, this would be met. Alternative 4 would be similar in scale (a reduction by 1 hotel room is negligible) and design as the Project and would be consistent with the adjacent residential neighborhood. Alternative 4 would preserve and adaptively reuse the 3 bungalows structures at 1047, 1047A, and 1047B Abbot Kinney Boulevard within the overall Project Site. The bungalows would be moved approximately 40 feet to the southeast to front Westminster Avenue, renovated in accordance with the Secretary of Interior's Standards ("Standards") to preserve the character defining features, and used as retail/commercial space. The design would resemble contemporary modern styles with horizontal elements, large glass facades, and exposed industrial materials, such as brick, wood, and metal. The new structures would wrap around and above the existing restaurants to be retained. Several walkways connect Abbot Kinney Boulevard, Broadway, and Westminster Avenue, with the interior of the Project Site and its central courtyard, while second and third level pedestrian walkways connect the multiple buildings. The building layout, new building compositions, and material choice allow the retained buildings to maintain their identity while integrating them into the overall new design of the Project Site.

Regarding the project objective to provide visitor serving commercial activities, this would be met. Alternative 4 would include hotel, retail, spa, and additional restaurant uses for visitor serving commercial activities.

### *Reference*

For a complete discussion of Alternative 4 and its impacts see Section 6.D (Alternative 4: Historical Preservation Option) of the Draft EIR. Also see Appendices K-1 (Traffic Impact Study, December 2018), N-2 (Alternative 4 – Plans, December 2018), and N-3 (Alternative 4 – Historic Memo, December 2018).

### ***Alternatives Rejected as Infeasible***

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

alternative's inability to avoid significant environmental impacts. Alternatives to the Project that were considered and rejected as infeasible include the following:

*Alternative Off-Site Locations:*

Section 15126.6(f)(2) of the *CEQA Guidelines* provides guidance regarding alternative location(s) for a Project. Moving the Project to another location should be considered if doing so would allow significant impacts of the Project to be avoided or substantially lessened. If no feasible alternative locations exist, the EIR must disclose the reasons for this conclusion.

The Alternative Site Alternative was initially considered but rejected as infeasible. Under the Alternative Site Alternative, the Project would be constructed on a site other than the Project Site. The Project Site is designated as Community Commercial by the Venice Coastal Land Use Plan and hotels are a preferred use in the Community Commercial land use category. The Project Site consists of 9 contiguous lots (8 APNs) with a total area of approximately 1 acre.

The Alternative Site Alternative was deemed infeasible because other sites designated as Community Commercial within the Venice area lack some of the essential components of the Project Site. In particular, there is no other lot or adjoining lots designated as Community Commercial on Abbot Kinney that consist of even one-half acre in common ownership that could accommodate a similar design. This alternative was deemed infeasible as the Project Applicant does not own or control another site of comparable size on a major street within the City, in close proximity to major transit facilities or along a commercial, walkable street that would complement the Project's uses. Nor is it feasible for the Project Applicant to obtain control of another site.

Moreover, an alternative location would not reduce significant impacts to a level of insignificance. All property within the Venice area that is designated for Community Commercial is within 500 feet of sensitive uses (residential or school). Given the proximity of Community Commercial sites to sensitive uses, the level of construction noise and vibration could not be reduced to a level of insignificance.

*Reduced Project Size Alternatives:*

A variety of reduced Project size alternatives were considered and eliminated. The review of such proposals focused on consistency with the applicable plans and policies, the infill character and the character of surrounding uses. Because visitor serving uses are encouraged on the Project Site by the Venice Coastal Land Use Plan, all reduced Project size alternatives maintained some hotel and visitor serving uses. Any alternative Project without hotel rooms would also not meet the Project objectives of redeveloping the Project Site with a mixed use development anchored by a hotel and to meet a high unmet demand for hotel rooms in the Abbot Kinney and Venice areas.

*Reduced Project Size Alternative 1:*

One option for a reduced size Project would be to modify the Project by approximately 50% (Reduced Project Size Alternative 1). Such an alternative would consist of 2,442 square feet of restaurant use (the existing amount, which would be demolished and replaced), 39 hotel rooms and two apartment units (26,698 square feet), 1,013 square feet of office and 2,335 square feet of retail (no spa). Reduced Project Alternative 1 would require 109 parking spaces, which could be accommodated in a two story underground parking garage.



Reduced Project Alternative 1 would not reduce significant construction and vibration impacts to a level of insignificance. The Project Site is currently developed with buildings and an asphalt parking lot. Demolition of the existing uses for a Reduced Project Size Alternative 1 would require the same equipment as for the Project, including bulldozers, jackhammers, crushers and caisson drills. Such equipment would be necessary to demolish the existing development and to haul away the debris. Given the Project Site's proximity to nearby sensitive uses, even with implementation of **Mitigation Measures NOI-MM-1** through **NOI-MM-11**, and a shorter construction period, of approximately one-half the time as the Project, the daily levels of noise and vibration would be similar to the Project's. Thus, the Reduced Project Alternative 1 would still exceed the City's thresholds and trigger significant impacts for construction noise and vibration.

#### *Reduced Project Size Alternative 2:*

Another option for a reduced size Project would be to eliminate the underground parking and park the Project either at grade (Reduced Project Size Alternative 2). However, this alternative would not reduce significant impacts to a level of insignificance. The Project Site is currently developed with buildings and an asphalt parking lot. Demolition of the existing uses for Reduced Project Alternative 2 would require largely the same equipment as for the Project, including bulldozers, jackhammers and crushers. Such equipment would be necessary to demolish the existing development and to haul away the debris.

Even if Reduced Project Size Alternative 2 eliminated the need for underground parking and eliminated the need for auger-type drilling by incorporating a slab foundation (both of which would reduce some of the construction noise and would reduce vibration to level of insignificance), the modified foundation would still necessitate the removal and transport of asphalt and concrete from the existing parking lot, and the recompaction of the Project Site, all of which would have similar construction noise as the Project because of the proximity of the sensitive uses. The Reduced Project Size Alternative 2 also considered utilizing smaller and different equipment, such as outfitting construction equipment with hospital-grade mufflers. However, there would still be excessive noise during welding and framing activities with such equipment which would create a significant noise impacts. Given the Project Site's proximity to nearby sensitive uses, even if the Project were reduced in size to eliminate the underground parking garage and **Mitigation Measures NOI-MM-1** through **NOI-MM-11** were incorporated, such an alternative would still exceed the City's thresholds and trigger significant impacts for construction noise.

Moreover, the Reduced Project Size Alternative 2 would meet the Project Objectives to a lesser extent as compared to the Project. Far fewer hotel rooms and neighborhood serving uses could be constructed on the Project Site because of the need to accommodate parking for existing and proposed uses on the Project Site. Such parking could only be accommodated at grade or in an above-ground parking garage. If an above-ground parking garage were to be built as part of the Reduced Project Size Alternative 2, that parking garage would require use of auger-type drills which would create a significant vibration impact. Also, at grade parking would be less visually attractive, and would not achieve the Project Objective of weaving the design of the Reduced Project Size Alternative 2 into the fabric of the neighborhood to the same extent as the Project.

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

Section 15126.6(e)(2) of the CEQA Guidelines indicates that an analysis of alternatives to a project shall identify an Environmentally Superior Alternative among the alternatives

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

The level of significant impacts under the Project would be similar to the Alternatives presented, with implementation of the same mitigation measures and Project Design Features, as identified in the Draft EIR for the Project. The severity of the significant impacts, however, fluctuates between the Project and each Alternative presented, as described in the analysis for each Alternative. This comparative fluctuation of significant impacts is the basis for assessing which alternative is considered the environmentally superior alternative.

Alternative 2 (Reduced Hotel Option) would create two new significant traffic impacts at the intersection of Pacific Avenue/Brooks Avenue and at Venice Boulevard/Abbot Kinney Boulevard. In comparison, the Project would not create any significant and unavoidable impacts at the study intersections.

Alternative 3 (Reduced Daily Noise Option) proposes a change to the construction schedule and construction worker hours to reduce construction noise during early morning and evening hours. Alternative 3 would construct the same program as the Project and have the same construction noise and vibration impacts as the Project. While the noise and vibration impacts under Alternative 3 would remain significant and unavoidable and the duration of construction would be prolonged, the significant and unavoidable impact would be lessened as compared to the Project because the construction hours would be limited.

Alternative 4 (Historic Preservation Option) would have a similar development program as the Project and have the same construction noise and vibration impacts as the Project, but would avoid the significant and unavoidable historic impacts by preserving and reusing the potentially eligible historic buildings at the Project Site. Alternative 4 would also meet the Project objectives to the same extent as the Project.

Accordingly, Alternative 4 was selected as the Environmentally Superior Alternative.

#### **g. OTHER CEQA CONSIDERATIONS**

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

Section 15126.2(c) of the CEQA Guidelines indicates that an EIR should evaluate any significant irreversible environmental changes that would occur should the proposed project be implemented. The types and level of development associated with the project would consume limited, slowly renewable, and non-renewable resources. This consumption would occur during construction of the project and would continue throughout its operational lifetime. The development of the Project would require a commitment of resources that would include: (1) building materials and associated solid waste disposal effects on landfills; (2) water; and (3) energy resources (e.g., fossil fuels) for electricity, natural gas, and transportation.

##### ***Building Materials and Solid Waste:***

Construction of the Project would require consumption of resources that do not replenish themselves or which may renew so slowly as to be considered non-renewable. These resources would include certain types of lumber and other forest products, aggregate materials used in concrete and asphalt (e.g., sand, gravel, and stone), metals (e.g., steel, copper, and lead), and petrochemical construction materials (e.g., plastics).

Solid Waste is addressed in Section 4.M.3 of the Draft EIR. During construction of the Project, a minimum of 50 percent of the non-hazardous demolition and construction debris would be recycled and/or salvaged for reuse in compliance with the requirements of the City of Los Angeles Green Building Code. In addition, during operation, the Project would provide a designated recycling area for Project residents to facilitate recycling in accordance with the City of Los Angeles Space Allocation Ordinance (Ordinance No. 171,687) and the Los Angeles Green Building Code. Thus, the consumption of non-renewable building materials such as lumber, aggregate materials, and plastics would be reduced.

*Water:*

Consumption of water during construction and operation of the Project is addressed in Section 4.M.2 of the Draft EIR. As evaluated therein, given the temporary nature of construction activities, the short-term and intermittent water use during construction of the Project would be less than the net new water consumption estimated for the Project at buildout. In addition, water use during construction would be offset by the reduction of water demand currently consumed by the existing uses, which would be removed as part of the Project. During operation, the estimated water demand for the Project would not exceed the available supplies projected by the City of Los Angeles Department of Water and Power (LADWP). Thus, LADWP would be able to meet the water demand of the Project, as well as the existing and planned future water demands of its service area. In addition, the Project would implement a variety of water conservation features to reduce indoor water use. Furthermore, the Project would be required to reduce indoor water use by at least 20 percent in accordance with the City of Los Angeles Green Building Code. Thus, while project construction and operation would result in some irreversible consumption of water, the Project would not result in a significant impact related to water supply.

*Energy Consumption and Air Quality:*

During ongoing operation of the Project, non-renewable fossil fuels would represent the primary energy source, and thus the existing finite supplies of these resources would be incrementally reduced. Fossil fuels, such as diesel, gasoline, and oil, would also be consumed in the use of construction vehicles and equipment. Project consumption of nonrenewable fossil fuels for energy use during construction and operation of the Project is addressed in Section 4.N, Energy Conservation and Infrastructure, of the Draft EIR. As discussed therein, construction activities for the Project would not require the consumption of natural gas, but would require the use of fossil fuels and electricity. On- and off-road vehicles would consume gasoline and diesel fuel throughout the Project's construction. For comparison purposes, the fuel usage during Project construction would represent approximately 0.0009 percent of the 2017 annual on-road gasoline-related energy consumption and 0.01 percent of the 2017 annual diesel fuel-related energy consumption in Los Angeles County. Therefore, the Project would not result in the wasteful, inefficient, and unnecessary consumption of energy resources. Therefore, impacts related to the consumption of fossil fuels during construction of the Project would be less than significant.

During operation, the Project's increase in electricity and natural gas demand would be within the anticipated service capabilities of LADWP and the Southern California Gas Company, respectively. The Project would comply with 2016 Title 24 standards and applicable 2016 CALGreen requirements. In addition, new buildings and infrastructure would include features so as to be capable of achieving at least current LEED® Silver certification, or equivalent, and includes electricity conservation features. Therefore, the Project would not cause the wasteful, inefficient, and unnecessary consumption of energy and would be consistent with the intent of Appendix F to the CEQA Guidelines. In addition, Project operations would not conflict with adopted energy conservation plans.

*Environmental Hazards:*

The Project's potential use of hazardous materials is addressed in Section 4.F, Hazards and Hazardous Materials, of the Draft EIR. As evaluated therein, the types and amounts of hazardous materials that would be used in connection with the Project would be typical of those used for hotel, office, residential, retail, and restaurant uses. Specifically, operation of the Project would be expected to involve the use and storage of small quantities of potentially hazardous materials in the form of cleaning solvents, painting supplies, pesticides for landscaping, and petroleum products. Construction of the Project would also involve the temporary use of potentially hazardous materials, including vehicle fuels, paints, oils, and transmission fluids. However, all potentially hazardous materials would be used and stored in accordance with manufacturers' instructions and handled in compliance with applicable federal, state, and local regulations. Any associated risk would be reduced to a less than significant level through compliance with these standards and regulations. As such, compliance with regulations and standards would serve to protect against significant and irreversible environmental change that could result from the accidental release of hazardous materials.

*Conclusion (Significant Irreversible Environmental Changes):*

Project construction and operation would require the irreplaceable commitment of limited, slowly renewable, and non-renewable resources (such as building materials like timber and energy resources such as petroleum), which would limit the availability of these resources for future generations or for other uses. However, the consumption of such resources would not be considered substantial and would be consistent with regional and local growth forecasts and development goals for the area. The loss of such resources would not be highly accelerated when compared to existing conditions and such resources would not be used in a wasteful manner. Therefore, although irreversible environmental changes would result from the Project, such changes are concluded to be less than significant.

***Growth-Inducing Impacts***

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

### *Population*

In April 2016, SCAG adopted the 2016–2040 Regional Transportation Plan/Sustainable Communities Strategy (2016 RTP/SCS), which contained new population forecasts for the Subregion. According to the 2016 RTP/SCS, the population forecast for the Subregion is approximately 3,981,911 persons in 2017 and approximately 4,063,757 persons in 2020. The Project's ten (10) new residents would represent approximately 0.01 percent of the projected growth in the City of Los Angeles between 2017 and 2020 (i.e., the Project's baseline and buildout years). Therefore, the Project's residents would be well within SCAG's population projections in the 2016 RTP/SCS for the Subregion and would not result in a significant direct growth-inducing impact.

### *Employment*

In addition to the residential population generated by the Project, the Project would have the potential to generate indirect population growth in the vicinity of the Project Site as a result of the employment opportunities generated by the Project. During construction, the Project would create temporary construction-related jobs. However, the work requirements of most construction projects are highly specialized such that construction workers remain at a job site only for the time in which their specific skills are needed to complete a particular phase of the construction process. Thus, construction workers would not be expected to relocate to the Project vicinity as a direct consequence of working on the Project. Therefore, given the availability of construction workers, the Project would not be considered growth inducing from a short-term employment perspective.

SCAG adopted the 2016 RTP/SCS in April of 2016, which contains new employment forecasts. According to the 2016 RTP/SCS, the employment forecast growth is 50,646 growth from 2017 to 2020. The Project's 92 estimated new employees would represent approximately 0.18 percent of the projected employment growth in the City of Los Angeles between 2017 and 2020 (i.e., the Project's baseline and buildout years). Therefore, the Project would not cause an exceedance of SCAG's employment projections contained in the 2016 RTP/SCS. In addition, the Project uses would include a range of full-time and part-time positions that are typically filled by persons already residing in the vicinity of the workplace, and who generally do not relocate their households due to such employment opportunities. Therefore, given that some of the employment opportunities generated by the Project would be filled by people already residing in the vicinity of the Project Site, the potential growth associated Project employees who may relocate their place of residence would not be substantial. Although it is possible that some of the employment opportunities offered by the Project would be filled by persons moving into the surrounding area, which could increase demand for housing, it is anticipated that most of this demand would be filled by then-existing vacancies in the housing market and others by any new residential developments that may occur in the vicinity of the Project Site. As such, the Project uses would be unlikely to create an indirect demand for additional housing or households in the area.

### *Utility Infrastructure Improvements*

The area surrounding the Project Site is already developed with residential and commercial uses, and the Project would not remove impediments to growth. The Project Site is located within an urban area that is currently served by existing utilities and infrastructure. While the Project may require minor local infrastructure upgrades to maintain and improve water, sewer, electricity, and natural gas lines on-site and in the immediate vicinity of the Project Site, such improvements would be limited to serving Project-related demand, and would not necessitate major local or regional utility

infrastructure improvements that have not otherwise been accounted and planned for on a regional level.

*Urbanization of Land in Remote Locations (Leapfrog Development)*

The Project Site is located in an urbanized area and currently developed. As such, the Project would not urbanize and/or develop remote land.

*Conclusion (Growth-Inducing Impacts)*

The Project would be consistent with the growth forecast for the City of Los Angeles Subregion and would be consistent with regional policies to reduce urban sprawl, efficiently utilize existing infrastructure, reduce regional congestion, and improve air quality through the reduction of vehicle miles traveled. In addition, the Project would not require any major roadway improvements nor would the Project open any large undeveloped areas for new use. Any access improvements would be limited to driveways necessary to provide immediate access to the Project Site and to improve safety and walkability. Therefore, direct and indirect growth-inducing impacts would be less than significant.

**Energy Conservation**

Section 21100(b) of the State CEQA Guidelines requires that an EIR include a detailed statement setting forth mitigation measures proposed to minimize a project's significant effects on the environment, including, but not limited to, measures to reduce the wasteful, inefficient, and unnecessary consumption of energy. Section 4.N, Energy Conservation, of the Draft EIR provides relevant information and analyses that address the energy implications of the Project. With the evaluation emphasis on the potential to avoid or reduce inefficient, wasteful, and unnecessary consumption of energy, the analysis concluded that, due to compliance with existing requirements, the location of the Project, and the size of the Project, the Project would not result in the wasteful, inefficient, and unnecessary consumption of energy.

**h. STATEMENT OF OVERRIDING CONSIDERATIONS**

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

Based on the analysis provided in Section 4, Environmental Impact Analysis, of the Draft EIR, implementation of the Project would result in significant impacts that cannot be feasibly mitigated with respect to: Cultural Resources and Noise (On-Site Construction Noise, Construction Vibration, and Cumulative Impacts).

Accordingly, the City adopts the following Statement of Overriding Considerations. The City recognizes that significant and unavoidable impacts would result from implementation of the project. Having (i) adopted all feasible mitigation measures, (ii) rejected as infeasible the alternatives to the project discussed above, (iii) recognized all significant, unavoidable impacts, and (iv) balanced the benefits of the project against the project's significant and unavoidable impacts, the City hereby finds that each of the project's benefits, as listed below, outweigh and override the significant unavoidable impacts relating to Cultural Resources and Noise (On-Site Construction Noise, Construction Vibration, and Cumulative Impacts).

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

The individual considerations are:

1. The Project will provide guest rooms, units, and commercial uses within a Transit Priority Area, within close proximity to local and regional public transit. The project site is located less than 0.25 miles from the bus stop at Main Street and Abbot Kinney Boulevard, where service is provided by Metro bus line 33 and Santa Monica Big Blue Bus line 1. The project site is less than half a mile from bus stops at Windward Avenue and Main Street, where service is provided by Metro bus line 733 and Culver City Bus line 1. In addition to the bus lines that currently service the Project area, the Metro Expo line Downtown Santa Monica Station is located two miles north of the project site. Such proximity to transit will allow patrons and employees to utilize public transportation and reduce automobile traffic.
2. The Project will provide 78 guest rooms in one of the only areas designated for hotel uses in the Venice Local Coastal Land Use Plan. These guest rooms will provide an opportunity for visitors to stay in close proximity to the coastal attractions, local retail, and restaurants in the Venice community.
3. The Project will aesthetically improve the community by replacing a parking lot and existing deteriorating structures with buildings that are consistent with the scale and design of the area. These buildings will complement the surrounding neighborhood with a variety of recycled, renewable, locally sourced, non-toxic, and reclaimed materials.
4. The Project will provide economic benefits by supporting the growth of the City's economic base with an economically viable project that includes revenue generating commercial activities and tax revenues, including transit occupancy taxes. The Project will also generate employment opportunities, creating construction jobs in the short term and long term restaurant and hospitality employment opportunities upon Project completion.

5. The Project will incorporate various Green Building and sustainability features to enhance air quality and support the City of Los Angeles's sustainability goals and policies, including reduction of greenhouse gases. The Project will utilize the Los Angeles Green Building Code and will be constructed in compliance with Title 24 California Green Building Standards and incorporate various sustainability features, including but not limited to low-flow plumbing fixtures in guest rooms and common areas and landscaping that incorporates a plant palette of native and drought-tolerant plantings and uses low-flow irrigation. As an infill project in the Venice community, the Project is intended to contribute to a land use pattern that addresses housing and guest room needs and reduces vehicle trips and air pollution by locating commercial and coastal serving uses within an area that has public transit and employment opportunities, restaurants, and entertainment all within walking distance.
6. The Project would implement a landscaping plan and provide open space areas. There would be 18,646 square feet of open space, including, but not limited to, a 2,500-square-foot "outdoor living room" on the ground floor, a 604-square-foot pool deck on the third floor, two decks on the roof top (449 and 1,205 square feet), and a 2,128-square-foot rooftop garden. Open space/pedestrian areas would incorporate seating or lounging areas and support a variety of private hosted gatherings to serve guests of the hotel and the community.
7. The Project will be located within a Transit Priority Area, consistent with SCAG's 2016 RTP/SCS regional mobility goals that encourage land use and growth patterns that facilitate transit use, including the concentration of urban development near transit, thereby meeting the housing needs of the region while reducing overall vehicle trips, congestion, and energy demand.
8. In addition, the development and use of the Project will accomplish the five Project Objectives described in the EIR by accomplishing the following:
  - Support the growth of the City's economic base through the introduction of an economically viable project that includes revenue generating commercial activities and tax revenues.
  - Construct a high-quality mixed-use development anchored by a hotel, consistent with the uses and densities envisioned for the General Plan Framework Community Center designation.
  - Provide a hotel use on one of two blocks on Abbot Kinney on which a hotel use is preferred, consistent with the Venice Local Coastal Land Use Plan.
  - Develop a project that is appropriate in scale and design to the adjacent residential neighborhoods.
  - Provide visitor serving commercial activities.

***Finding:***

For all the foregoing reasons, the City finds that the benefits of the Project, as approved, outweigh and override the significant and unavoidable impacts identified above.

**i. GENERAL FINDINGS (CEQA)**

The City, acting through the Department of City Planning, is the "Lead Agency" for the project evaluated in the EIR. The City finds that the EIR was prepared in compliance with CEQA and the CEQA Guidelines. The City finds that it has independently reviewed and analyzed the EIR for the project, that the Draft EIR which was circulated for public review



reflected its independent judgment and that the Final EIR reflects the independent judgment of the City.

1. The EIR evaluated the following potential project and cumulative environmental impacts: aesthetics, air quality, cultural resources, geology and soils, greenhouse gas emissions, hazards and hazardous materials, land use and planning, noise, population and housing, public services, transportation and traffic, tribal cultural resources, utilities and service systems, and energy conservation. Additionally, the EIR considered, in separate sections, Alternatives, Significant Irreversible Environmental Changes, Growth Inducing Impacts, and other CEQA considerations. The significant environmental impacts of the project and the alternatives were identified in the EIR.
2. The City finds that the EIR provides objective information to assist the decision makers and the public at large in their consideration of the environmental consequences of the project. The public review periods provided all interested jurisdictions, agencies, private organizations, and individuals the opportunity to submit comments regarding the Draft EIR. The Final EIR was prepared after the review periods and responds to comments made during the public review periods.
3. The Department of City Planning evaluated comments on environmental issues received from persons who reviewed the Draft EIR. In accordance with CEQA, the Department of City Planning prepared written responses describing the disposition of significant environmental issues raised. The Final EIR provides adequate, good faith and reasoned responses to the comments. The Department of City Planning reviewed the comments received and responses thereto and has determined that neither the comments received nor the responses to such comments add significant new information regarding environmental impacts to the Draft EIR. The Lead Agency has based its actions on full appraisal of all viewpoints, including all comments received up to the date of adoption of these findings, concerning the environmental impacts identified and analyzed in the EIR.
4. The Final EIR documents changes to the Draft EIR. Having reviewed the information contained in the Draft EIR, the Final EIR, and the administrative record, as well as the requirements of CEQA and the CEQA Guidelines regarding recirculation of Draft EIRs, the City finds that there is no new significant impact, substantial increase in the severity of a previously disclosed impact, significant new information in the record of proceedings or other criteria under CEQA that would require additional recirculation of the Draft EIR, or that would require preparation of a supplemental or subsequent EIR. Specifically, the City finds that:
5. The Responses to Comments contained in the Final EIR fully considered and responded to comments claiming that the project would have significant impacts or more severe impacts not disclosed in the Draft EIR and include substantial evidence that none of these comments provided substantial evidence that the project would result in changed circumstances, significant new information, considerably different mitigation measures, or new or more severe significant impacts than were discussed in the Draft EIR.
  - a. The City has thoroughly reviewed the public comments received regarding the project and the Final EIR as it relates to the project to determine whether under the requirements of CEQA, any of the public comments provide substantial evidence that would require recirculation of the EIR prior to its adoption and has determined that recirculation of the EIR is not required.

- b. None of the information submitted after publication of the Final EIR, including testimony at the public hearings on the project, constitutes significant new information or otherwise requires preparation of a supplemental or subsequent EIR. The City does not find this information and testimony to be credible evidence of a significant impact, a substantial increase in the severity of an impact disclosed in the Final EIR, or a feasible mitigation measure or alternative not included in the Final EIR.
  - c. The mitigation measures identified for the project were included in the Draft EIR and Final EIR. As revised, the final mitigation measures for the project are described in the Mitigation Monitoring Program (MMP). Each of the mitigation measures identified in the MMP is incorporated into the project. The City finds that the impacts of the project have been mitigated to the extent feasible by the mitigation measures identified in the MMP.
6. CEQA requires the Lead Agency approving a project to adopt a MMP or the changes to the project which it has adopted or made a condition of project approval in order to ensure compliance with the mitigation measures during project implementation. The mitigation measures included in the EIR as certified by the City and revised in the MMP as adopted by the City serve that function. The MMP includes all of the mitigation measures and project design features adopted by the City in connection with the approval of the project and has been designed to ensure compliance with such measures during implementation of the project. In accordance with CEQA, the MMP provides the means to ensure that the mitigation measures are fully enforceable. In accordance with the requirements of Public Resources Code Section 21081.6, the City hereby adopts the MMP.
7. In accordance with the requirements of Public Resources Code Section 21081.6, the City hereby adopts each of the mitigation measures expressly set forth herein as conditions of approval for the project.
8. The custodian of the documents or other materials which constitute the record of proceedings upon which the City decision is based is the City of Los Angeles, Department of City Planning.
9. The City finds and declares that substantial evidence for each and every finding made herein is contained in the EIR, which is incorporated herein by this reference, or is in the record of proceedings in the matter.
10. The City is certifying an EIR for, and is approving and adopting findings for, the entirety of the actions described in these Findings and in the EIR as comprising the project.
11. The EIR is a project EIR for purposes of environmental analysis of the project. A project EIR examines the environmental effects of a specific project. The EIR serves as the primary environmental compliance document for entitlement decisions regarding the project by the City and the other regulatory jurisdictions.

# IV. Mitigation Monitoring Program

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## 1. Introduction

This Mitigation Monitoring Program (MMP) has been prepared pursuant to Public Resources Code Section 21081.6, which requires a Lead Agency to adopt a “reporting or monitoring program for changes to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment.” In addition, Section 15097(a) of the State CEQA Guidelines requires that a public agency adopt a program for monitoring or reporting mitigation measures and project revisions, which it has required to mitigate or avoid significant environmental effects. This MMP has been prepared in compliance with the requirements of CEQA, Public Resources Code Section 21081.6 and Section 15097 of the CEQA Guidelines.

The City of Los Angeles is the Lead Agency for the Project and therefore is responsible for administering and implementing the MMP. A public agency may delegate reporting or monitoring responsibilities to another public agency or to a private entity that accepts the delegation; however, until mitigation measures have been completed, the lead agency remains responsible for ensuring that implementation of the mitigation measures occurs in accordance with the program.

An Environmental Impact Report (EIR) has been prepared to address the potential environmental impacts of the Project. The evaluation of the Project’s impacts in the EIR takes into consideration the project design features (PDF) and applies mitigation measures (MM) needed to avoid or reduce potentially significant environmental impacts. This MMP is designed to monitor implementation of the PDFs and MMs identified for the Project.

## 2. Organization

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

- Enforcement Agency: the agency with the power to enforce the PDF or MM.
- Monitoring Agency: the agency to which reports involving feasibility, compliance, implementation, and development are made.
- Monitoring Phase: the phase of the Project during which the PDF or MM shall be monitored.
- Monitoring Frequency : the frequency at which the PDF or MM shall be monitored.
- Action Indicating Compliance: the action by which the Enforcement or Monitoring Agency indicates that compliance with the identified PDF or required MM has been implemented.

### **3. Administrative Procedures and Enforcement**

This MMP shall be enforced throughout all phases of the Project. The Applicant shall be responsible for implementing each PDF and MM and shall be obligated to provide certification, as identified below, to the appropriate monitoring and enforcement agencies that each PDF and MM has been implemented. The Applicant shall maintain records demonstrating compliance with each PDF and MM. Such records shall be made available to the City upon request.

During the construction phase and prior to the issuance of building permits, the Applicant shall retain an independent Construction Monitor (either via the City or through a third-party consultant), approved by the Department of City Planning, who shall be responsible for monitoring implementation of PDFs and MMs during construction activities consistent with the monitoring phase and frequency set forth in this MMP.

The Construction Monitor shall also prepare documentation of the Applicant's compliance with the PDFs and MMs during construction every 90 days in a form satisfactory to the Department of City Planning. The documentation must be signed by the Applicant and Construction Monitor and be included as part of the Applicant's Compliance Report. The Construction Monitor shall be obligated to immediately report to the Enforcement Agency any non-compliance with the MMs and PDFs within two businesses days if the Applicant does not correct the non-compliance within a reasonable time of notification to the Applicant by the monitor or if the non-compliance is repeated. Such non-compliance shall be appropriately addressed by the Enforcement Agency.

### **4. Program Modification**

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

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

PDF or MM, and that the modification will not result in a new significant impact consistent with the requirements of CEQA. Under this process, the modification or deletion of a PDF or MM shall not, in and of itself, require a modification to any Project discretionary approval unless the Director of Planning also finds that the change to the PDF or MM results in a substantial change to the Project or the non-environmental conditions of approval.

## 5. Mitigation Monitoring Program

### a) Aesthetics

#### (1) Project Design Features

**AES-PDF-1** The Project Applicant shall ensure through appropriate posting and daily visual inspections that no unauthorized materials are posted on any temporary construction barriers or temporary pedestrian walkways and that such temporary barriers and walkways are free of trash, graffiti, peeling postings, and are of uniform paint color or graphic treatment throughout the construction period.

**Enforcement Agency:** City of Los Angeles Department of Building and Safety

**Monitoring Agency:** City of Los Angeles Department of Building and Safety

**Monitoring Phase:** Construction

**Monitoring Frequency:** Filed inspection during construction

**Action Indicating Compliance:** Field inspection sign-off

#### (2) Mitigation Measures

No mitigation measures are identified in the EIR for this environmental issue.

### b) Air Quality

#### (1) Project Design Features

**Air-PDF-1** The construction contractor will coordinate with the administrator of the Westminster Elementary School to minimize student and staff exposure to air pollution during construction. The School will be provided with the name and phone number of one member of the construction team to act as the liaison. Control measures that may be enacted at the request of the School administrator to minimize pollutant exposure include but are not limited to:

- Watering beyond the requirements of South Coast Air Quality Management District (SCAQMD) Rule 403 (Fugitive Dust).

- Reduced earthwork activity during high wind conditions in the direction of Westminster Elementary School, which the SCAQMD defines as 25 miles per hour gusts.
- Maintaining construction equipment in accordance with manufacturer specifications. The contractor will keep documentation on-site demonstrating compliance.
- Turning off construction truck and vehicle engines when idling will exceed five minutes.

**Enforcement Agency:** South Coast Air Quality Management District

**Monitoring Agency:** City of Los Angeles Department of Building and Safety

**Monitoring Phase:** Construction

**Monitoring Frequency:** Field inspection during construction

**Action Indicating Compliance:** Field inspection sign-off

## (2) Mitigation Measures

No mitigation measures are identified in the EIR for this environmental issue.

## c) Cultural Resources

### (1) Project Design Features

No project design features are identified in the EIR for this environmental issue.

### (2) Mitigation Measures

#### **CUL-MM-1 1. Recordation**

Prior to the issuance of a demolition permit, a Historic American Building Survey (HABS) Level II report documenting the architectural and historical significance of 1047, 1047A, and 1047B S. Abbot Kinney Boulevard shall be prepared. One original copy of the report shall be assembled and distributed to the Southern California Information Center at California State University Fullerton, the Los Angeles Conservancy, the Los Angeles Central Library, and the City of Los Angeles Office of Historic Resources. Before submitting any documents, each repository must be contacted to ensure that they are willing and able to accept the items. The report shall be created by a historic preservation professional meeting the Secretary of the Interior's Professional Qualifications Standards for

history or architectural history with demonstrated experience in creating HABS Level II documentation. The report shall include:

- a. A written report according to the HABS narrative format, which includes historical and descriptive information, index to photographs, and photo key plan.
- b. Duplicates of historic photographs, if available.
- c. Duplicates of original drawings, if available.
- d. Large format (4" x 5" or larger) black and white photographs based on HABS guidelines. The photographs shall be keyed to a site plan to show the location of each photograph taken. Views shall include the setting of the district and exterior views of at least half of the contributing buildings.

**Enforcement Agency:** City of Los Angeles Department of City Planning, Office of Historic Resources

**Monitoring Agency:** City of Los Angeles Department of City Planning, Office of Historic Resources

**Monitoring Phase:** Pre-construction

**Monitoring Frequency:** Once, prior to issuance of demolition permit

**Action Indicating Compliance:** Submittal of compliance documentation

## **CUL-MM-2    2. Salvage and Reuse**

The Project Applicant shall create a salvage and reuse plan identifying elements and materials that can be saved prior to the issuance of a demolition permit. The plan shall be prepared by a historic preservation professional meeting the Secretary of the Interior's Professional Qualifications Standards for architectural history or historic architecture with demonstrated experience in developing salvage and reuse plans. The plan shall be submitted to the City of Los Angeles Office of Historic Resources. Elements and materials that may be salvageable include: decorative elements, framing members, light fixtures, plumbing fixtures, and flooring materials such as tiles and hardwood. The salvageable items shall be removed in the gentlest, least destructive manner possible. The plan shall identify an indoor, weather-controlled space where items can be stored. The Applicant shall identify individuals, organizations, or businesses interested in receiving salvageable items in consultation with the City of Los Angeles Office of Historic Resources.

**Enforcement Agency:** City of Los Angeles Department of City Planning, Office of Historic Resources

**Monitoring Agency:** City of Los Angeles Department of City Planning, Office of Historic Resources

**Monitoring Phase:** Pre-construction

**Monitoring Frequency:** Once, prior to issuance of demolition permit

**Action Indicating Compliance:** Submittal of compliance documentation

**CUL-MM-3 3. Relocation**

Prior to obtaining a final certificate of occupancy, the Project Applicant shall make 1047, 1047A, and 1047B S. Abbot Kinney Boulevard available to third parties for relocation and/or salvage at no cost for the structures (the third party shall be responsible for costs associated with the relocation and/or salvage activities). No earlier than 90 days before the commencement of construction of the Project, the Project Applicant shall publicize the availability of these structures for relocation and/or salvage by publishing a notice in a newspaper of general circulation and by directly informing potentially interested parties. Any relocation and/or salvage activities undertaken by third parties shall be fully completed prior to the commencement of Project construction.

**Enforcement Agency:** City of Los Angeles Department of City Planning, Office of Historic Resources

**Monitoring Agency:** City of Los Angeles Department of City Planning, Office of Historic Resources

**Monitoring Phase:** Pre-operation

**Monitoring Frequency:** Once, prior to issuance of final certificate of occupancy

**Action Indicating Compliance:** Submittal of compliance documentation

## **d) Geology and Soils**

### **(1) Project Design Features**

No project design features are identified in the EIR for this environmental issue.

### **(2) Mitigation Measures**

No mitigation measures are identified in the EIR for this environmental issue.

## **e) Greenhouse Gas Emissions**

### **(1) Project Design Features**

**GHG-PDF-1** The project shall include at least twenty (20) percent of the total code required parking spaces provided for all types of parking facilities, but in no case less than one location, shall be capable of supporting future electric vehicle supply



equipment (EVSE). Plans shall indicate the proposed type and location(s) of EVSE and also include raceway method(s), wiring schematics and electrical calculations to verify that the electrical system has sufficient capacity to simultaneously charge all electric vehicles at all designated EV charging locations at their full rated amperage. Plan design shall be based upon Level 2 or greater EVSE at its maximum operating capacity. Of the 20 percent EV Ready, five (5) percent of the total code required parking spaces shall be further provided with EV chargers to immediately accommodate electric vehicles within the parking areas. When the application of either the 20 or 5 percent results in a fractional space, round up to the next whole number. A label stating "EVCAPABLE" shall be posted in a conspicuous place at the service panel or subpanel and next to the raceway termination point.

**Enforcement Agency:** City of Los Angeles Department of Building and Safety

**Monitoring Agency:** City of Los Angeles Department of Building and Safety

**Monitoring Phase:** Pre-construction; construction

**Monitoring Frequency:** Once at Project plan check; once during field inspection

**Action Indicating Compliance:** Plan approval and issuance of applicable building permit; issuance of Certificate of Occupancy

**GHG-PDF-2** The design of the new buildings shall incorporate features to be capable of achieving at least a Silver certification under the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED®) or equivalent. Such LEED features shall include energy-efficient buildings, a pedestrian and bicycle-friendly site design, and water conservation measures, among others.

**Enforcement Agency:** City of Los Angeles Department of Building and Safety

**Monitoring Agency:** City of Los Angeles Department of Building and Safety

**Monitoring Phase:** Pre-construction; construction

**Monitoring Frequency:** Once at Project plan check; once during field inspection

**Action Indicating Compliance:** Plan approval and issuance of applicable building permit; issuance of Certificate of Occupancy

## (2) Mitigation Measures

No mitigation measures are identified in the EIR for this environmental issue.

## f) Hazard and Hazardous Materials

### (1) Project Design Features

No project design features are identified in the EIR for this environmental issue.

### (2) Mitigation Measures

No mitigation measures are identified in the EIR for this environmental issue.

## g) Land Use Planning

### (1) Project Design Features

No project design features are identified in the EIR for this environmental issue.

### (2) Mitigation Measures

No mitigation measures are identified in the EIR for this environmental issue.

## h) Noise

### (1) Project Design Features

**PDF-NOI-1** Outdoor amplified sounds systems shall be designed as to not exceed a maximum noise level of 64 dBA Leq. A noise consultant shall provide written documentation that the design of the system complies with these maximum noise levels.

**Enforcement Agency:** City of Los Angeles Department of Building and Safety

**Monitoring Agency:** City of Los Angeles Department of Building and Safety

**Monitoring Phase:** Pre-construction; Pre-operation

**Monitoring Frequency:** Once at plan check; Once, prior to issuance of final certificate of occupancy

**Action Indicating Compliance:** Plan approval and issuance of applicable building permit, issuance of certificate of occupancy

**PDF NOI-2** Non-squeal paving finishes (i.e. paving finishes that are not smooth, often referred to as “broom finishes”) shall be used within the Project’s valet parking area.

**Enforcement Agency:** City of Los Angeles Department of Building and Safety

**Monitoring Agency:** City of Los Angeles Department of Building and Safety

**Monitoring Phase:** Construction

**Monitoring Frequency:** Periodically during construction

**Action Indicating Compliance:** Field inspection sign-off

**PDF-NOI-3** The central courtyard area would accommodate up to 200 individuals and permit non-amplified music. The courtyard operating hours will be from 7:00 a.m. to 1:00 a.m.

**Enforcement Agency:** City of Los Angeles Department of Building and Safety

**Monitoring Agency:** City of Los Angeles Department of Building and Safety

**Monitoring Phase:** Pre-operation

**Monitoring Frequency:** Once, prior to issuance of final certificate of occupancy

**Action Indicating Compliance:** Submittal of compliance documentation

## (2) Mitigation Measures

**NOI-MM-1** Power construction equipment (including combustion engines), fixed or mobile, shall be equipped with state-of-the-art noise shielding and muffling devices (consistent with manufacturers' standards). All equipment shall be properly maintained to assure that no additional noise, due to worn or improperly maintained parts, would be generated.

**Enforcement Agency:** City of Los Angeles Department of Building and Safety

**Monitoring Agency:** City of Los Angeles Department of Building and Safety

**Monitoring Phase:** Construction

**Monitoring Frequency:** Periodically during construction

**Action Indicating Compliance:** Field inspection sign-off

**NOI-MM-2** Project construction shall not include the use of driven (impact) pile systems.

**Enforcement Agency:** City of Los Angeles Department of Building and Safety

**Monitoring Agency:** City of Los Angeles Department of Building and Safety

**Monitoring Phase:** Construction

**Monitoring Frequency:** Periodically during construction

**Action Indicating Compliance:** Field inspection sign-off

**NOI-MM-3** Grading and construction contractors shall use rubber-tired equipment rather than metal-tracked equipment.

**Enforcement Agency:** City of Los Angeles Department of Building and Safety

**Monitoring Agency:** City of Los Angeles Department of Building and Safety

**Monitoring Phase:** Construction

**Monitoring Frequency:** Periodically during construction

**Action Indicating Compliance:** Field inspection sign-off

**NOI-MM-4** When possible, the construction contractor shall use on-site electrical or solar sources to power equipment rather than diesel generators. Solar generator and electric generator equipment shall be located as far away from sensitive uses as possible.

**Enforcement Agency:** City of Los Angeles Department of Building and Safety

**Monitoring Agency:** City of Los Angeles Department of Building and Safety

**Monitoring Phase:** Construction

**Monitoring Frequency:** Periodically during construction

**Action Indicating Compliance:** Field inspection sign-off

**NOI-MM-5** Noise and vibration construction activities whose specific location on the project site may be flexible (e.g., operation of compressors and generators) shall be conducted as far away as possible from the nearest sensitive land uses, and natural and/or manmade barriers (e.g., intervening construction trailers) shall be used to screen propagation of noise from such activities towards these land uses. The construction contractor shall locate construction staging areas away from noise-sensitive uses.

**Enforcement Agency:** City of Los Angeles Department of Building and Safety

**Monitoring Agency:** City of Los Angeles Department of Building and Safety

**Monitoring Phase:** Construction

**Monitoring Frequency:** Periodically during construction

**Action Indicating Compliance:** Field inspection sign-off

**NOI-MM-6** Barriers, such as, but not limited to, plywood structures or flexible sound control curtains extending eight feet in height shall be erected around the project site to minimize the amount of noise during construction on the nearby noise-sensitive uses located offsite. These barriers shall be capable of reducing noise levels by at least 10 dBA.

**Enforcement Agency:** City of Los Angeles Department of Building and Safety

**Monitoring Agency:** City of Los Angeles Department of Building and Safety

**Monitoring Phase:** Construction

**Monitoring Frequency:** Periodically during construction

**Action Indicating Compliance:** Field inspection sign-off

**NOI-MM-7** Flexible sound control curtains shall be placed around jackhammers, drilling apparatuses, and drill rigs used within the project site to the extent feasible. These sound curtains shall be capable of reducing noise levels by at least 10 dBA.

**Enforcement Agency:** City of Los Angeles Department of Building and Safety

**Monitoring Agency:** City of Los Angeles Department of Building and Safety

**Monitoring Phase:** Construction

**Monitoring Frequency:** Periodically during construction

**Action Indicating Compliance:** Field inspection sign-off

**NOI-MM-8** A “noise disturbance coordinator” shall be established. The disturbance coordinator shall be responsible for responding to local complaints about construction noise. The disturbance coordinator shall determine the cause of the noise complaint (e.g., starting too early, bad muffler, etc.) and shall be required to implement reasonable measures such that the complaint is resolved. All notices that are sent to residential units within 500 feet of the construction site and all signs posted at the construction site shall list the telephone number for the disturbance coordinator.

**Enforcement Agency:** City of Los Angeles Department of Building and Safety

**Monitoring Agency:** City of Los Angeles Department of Building and Safety

**Monitoring Phase:** Construction

**Monitoring Frequency:** Periodically during construction

**Action Indicating Compliance:** Field inspection sign-off

**NOI-MM-9** Haul routes shall be located on major arterial roads within nonresidential areas. If not feasible, haul routes shall be reviewed and approved by Los Angeles Department of Transportation before the haul route can be located on arterial roads in residential areas.

**Enforcement Agency:** City of Los Angeles Department of Transportation

**Monitoring Agency:** City of Los Angeles Department of Transportation

**Monitoring Phase:** Pre-construction

**Monitoring Frequency:** Once at plan check; Once, prior to issuance of final certificate of occupancy

**Action Indicating Compliance:** Plan approval and issuance of applicable building permit

**NOI-MM-10** Construction supervisors shall be informed of project-specific noise requirements, noise issues for sensitive land uses adjacent to the construction site, and/or equipment operations to ensure compliance with the required regulations, best practices, and other restrictions placed on the Project to conform with the required mitigation measures.

**Enforcement Agency:** City of Los Angeles Department of Building and Safety

**Monitoring Agency:** City of Los Angeles Department of Building and Safety

**Monitoring Phase:** Construction

**Monitoring Frequency:** Periodically during construction

**Action Indicating Compliance:** Field inspection sign-off

**NOI-MM-11** Prior to initiating construction activity, the construction contractor shall coordinate with the site administrator for the Westminster Avenue Elementary School to discuss construction activities that generate high noise levels. The School shall be provided with the name and phone number of one member of the construction team to act as the liaison. Coordination between the site administrator and the construction contractor shall continue on an as-needed basis throughout the construction phase of the project to mitigate potential disruption of classroom activities. Should the administrator indicate that the school is being impacted by noise issues during construction, the contractor shall implement additional control measures that may include but are not limited to:

- Ceasing disruptive construction activities during noise-sensitive school activities (e.g., state testing and graduation ceremonies).
- Improving noise barriers with additional acoustical materials or other methods, as reasonable and practical.
- Temporarily shifting the disruptive activity to an area of the project site that would not result in disruption until the termination of the special event.

**Enforcement Agency:** City of Los Angeles Department of Building and Safety

**Monitoring Agency:** City of Los Angeles Department of Building and Safety

**Monitoring Phase:** Construction

**Monitoring Frequency:** Periodically during construction

**Action Indicating Compliance:** Field inspection sign-off

**NOI-MM-12** Non-amplified music and live entertainment on roof decks shall be positioned on the south side of the decks. The location shall be as far as possible from residences on Electric Avenue.

**Enforcement Agency:** City of Los Angeles Department of Building and Safety

**Monitoring Agency:** City of Los Angeles Department of Building and Safety

**Monitoring Phase:** Construction

**Monitoring Frequency:** Periodically during construction

**Action Indicating Compliance:** Field inspection sign-off

**NOI-MM-13** Prior to commencement of construction activity, a qualified structural engineer shall survey the existing foundation and other structural aspects of adjacent commercial buildings located on the same block as the Project. The qualified structural engineer shall hold a valid license to practice structural engineering in the State of California. The qualified structural engineer shall submit a pre-construction survey letter establishing baseline conditions. These baseline conditions shall be forwarded to the lead agency and to the mitigation monitor prior to issuance of any foundation only or building permit for the Project. At the conclusion of vibration causing activities, the qualified structural engineer shall issue a follow-on letter describing damage, if any, to adjacent buildings. The letter shall include recommendations for any repair, as may be necessary. Repairs shall be undertaken prior to issuance of any temporary or permanent certificate of occupancy for the new building.

**Enforcement Agency:** City of Los Angeles Department of Building and Safety

**Monitoring Agency:** City of Los Angeles Department of Building and Safety

**Monitoring Phase:** Construction

**Monitoring Frequency:** Periodically during construction

**Action Indicating Compliance:** Field inspection sign-off

## **i) Population and Housing**

### **(1) Project Design Features**

No project design features are identified in the EIR for this environmental issue.

## (2) Mitigation Measures

No mitigation measures are identified in the EIR for this environmental issue.

### j) Public Services

#### (1) Project Design Features

**POL-PDF-1** Prior to the issuance of a grading permit and prior to the issuance of a certificate of occupancy, the Project Applicant or its successor will submit a diagram of the Project Site to the LAPD Pacific Division Commanding Officer that includes access routes and any additional information that might facilitate police response.

**Enforcement Agency:** City of Los Angeles Police Department, City of Los Angeles Department of Building and Safety

**Monitoring Agency:** City of Los Angeles Police Department, City of Los Angeles Department of Building and Safety

**Monitoring Phase:** Pre-operation

**Monitoring Frequency:** Once prior to the issuance of Certificate of Occupancy

**Action Indicating Compliance:** Submittal of compliance documentation and subsequent issuance of Certificate of Occupancy

#### (2) Mitigation Measures

No mitigation measures are identified in the EIR for this environmental issue.

### k) Transportation

#### (1) Project Design Features

##### **TRANS-PDF-1 Construction Management Plan**

Prior to the start of construction, the Project Applicant will prepare a Construction Management Plan (CMP) and submit it to LADOT for review and approval. The CMP shall include a Worksite Traffic Control Plan to facilitate vehicle and pedestrian movement, and minimize potential conflicts between construction activities, vehicle traffic, bicyclists and pedestrians. The CMP and Worksite Traffic Control Plan will include, but not be limited to the following measures:

- Maintain access for land uses in the vicinity of the Project Site during construction;
- Control truck and vehicle access to the Project Site with flagmen;



- Prepare a haul truck route program that specifies the construction truck routes to and from the Project Site;
- Schedule construction activities to reduce the effect on traffic flow on arterial streets;
- Safety precautions for pedestrians and bicyclists through such measures as alternate routing and protection barriers.
- Schedule construction-related deliveries other than concrete and earthwork-related deliveries, to reduce travel during peak travel periods.
- No bus stops would be relocated and no bus lines would be rerouted due to Project construction.

**Enforcement Agency:** City of Los Angeles Department of Transportation

**Monitoring Agency:** City of Los Angeles Department of Transportation

**Monitoring Phase:** Pre-construction; construction

**Monitoring Frequency:** Once at Project plan check prior to issuance of grading or building permit; once during field inspection

**Action Indicating Compliance:** Plan approval and issuance of grading permit; field inspection sign-off

## **TRANS-PDF-2      Transportation Demand Management (TDM) Program**

The Project Applicant shall submit to DOT a Transportation Demand Management (TDM) Plan designed to reduce the total net project trips during the peak commute periods. The “peak trip goal” shall be 8 (driveway) P.M. peak hour trips generated by the project as shown in Table 4 provided in Attachment “A” of Appendix K-2 of the Draft EIR. The TDM Plan will prepare and implement a TDM Program that includes strategies to promote non-auto travel and reduce the use of single-occupant vehicle trips. As appropriate, these measures would be designed to provide incentives for use of transit and rideshare, to reduce the number of vehicle trips, and facilitate LADOT’s First and Last Mile Program. A full detailed description of the TDM Program shall be prepared by a licensed Traffic Engineer and submitted to DOT for will be subject to review and approval, prior to the issuance of any certificate of occupancy by the Department of City Planning and LADOT. The TDM Program strategies shall include, but shall not be limited to, the following:

- Implementation of an interactive, digital Transit Information Display;
- Implementing flexible/alternative work schedules and telecommuting programs;
- Implement enhanced pedestrian connections (e.g. improve sidewalks, widen crosswalks adjacent to the project, and pedestrian level lighting, etc.);
- Design the project to ensure a bicycle, pedestrian and transit friendly environment;
- Providing bicycle amenities such as bicycle racks and lockers for employees;

- Participation in the Metro Business Transit Access Pass (B-TAP) Program;
  - Providing bicycles for patrons and employees to use;
  - Provide parking as an option only (i.e. unbundle the parking);
  - Coupled with the unbundled parking, provide on-site car share amenities;
  - Provide rideshare program and support for project employees and tenants;
- The project shall also provide a mitigation monitoring system to confirm that the project is achieving the trip reduction target as needed.

**Enforcement Agency:** City of Los Angeles Department of Transportation

**Monitoring Agency:** City of Los Angeles Department of Transportation

**Monitoring Phase:** Pre-construction; construction

**Monitoring Frequency:** Once at Project plan check prior to issuance of grading or building permit; once during field inspection

**Action Indicating Compliance:** Plan approval and issuance of grading permit; field inspection sign-off

#### **TRANS-PDF-3      Loading Zone Operational Hours**

The Project loading zone will only be operated Monday through Friday, 7:00 AM to 6:00 PM; Saturday, 10:00 AM to 4:00 PM; except as follows: There shall be no deliveries 45 minutes prior to Westminster Elementary School commencement time and 15 minutes after school commencement time. No deliveries will be permitted until one hour after the end of Westminster Elementary School's school day. No deliveries on Sunday will require the use of the loading zone.

**Enforcement Agency:** City of Los Angeles Department of Transportation

**Monitoring Agency:** City of Los Angeles Department of Transportation

**Monitoring Phase:** Pre-construction; construction

**Monitoring Frequency:** Once at Project plan check prior to issuance of grading or building permit; once during field inspection

**Action Indicating Compliance:** Plan approval and issuance of grading permit; field inspection sign-off

#### **TRANS-PDF-4      On-street Loading Zone**

The Project includes the installation of a loading zone on Broadway, adjacent to the Project Site. The installation of on-street loading zone shall require the review and approval by LADOT's Western District Office. Since the Project is located within the California's Coastal Zone, an establishment of on-street loading zone would also require the approval by the California Coastal Commission.

**Enforcement Agency:** City of Los Angeles Department of Transportation

**Monitoring Agency:** City of Los Angeles Department of Transportation

**Monitoring Phase:** Pre-construction; construction

**Monitoring Frequency:** Once at Project plan check prior to issuance of grading or building permit; once during field inspection

**Action Indicating Compliance:** Plan approval and issuance of grading permit; field inspection sign-off

#### **TRANS-PDF-5      Circulation and Access**

Install signage to prohibit U-turn movements westbound on Abbot Kinney Boulevard at Broadway.

Install curb extensions or bulbouts at the street corners along Abbot Kinney Boulevard, immediately to the east and west of Broadway. The curb extensions would reduce the pedestrian crossing distance on Abbot Kinney Boulevard, as well as provide narrower travel lanes to potentially reduce speeds along this roadway.

**Enforcement Agency:** City of Los Angeles Department of Transportation

**Monitoring Agency:** City of Los Angeles Department of Transportation

**Monitoring Phase:** Pre-construction; construction

**Monitoring Frequency:** Once at Project plan check prior to issuance of grading or building permit; once during field inspection

**Action Indicating Compliance:** Plan approval and issuance of grading permit; field inspection sign-off

#### **TRANS-PDF-6      Valet Operations**

Staff will be present at the inbound driveway to the Main Valet Area at all times, to divert vehicles as needed to the Secondary Valet Area at the south side of the site. The Secondary Valet Area will be staff at 5 PM everyday. Staff at both locations will be able to communicate instantaneously via wireless communication, to enable quick rerouting of inbound vehicles.

**Enforcement Agency:** City of Los Angeles Department of Transportation

**Monitoring Agency:** City of Los Angeles Department of Transportation

**Monitoring Phase:** Operation

**Monitoring Frequency:** Once during field inspection

**Action Indicating Compliance:** Field inspection sign-off

**TRANS-PDF-7 Construction Activity Near Westminster Elementary School**

- The Project Applicant will maintain ongoing contact with the Westminster Elementary School administration. The school's administrative offices will be notified prior to the start of the Project's construction activities. The Project Applicant will obtain walk and bus routes to the schools from either the school's administration or from the Los Angeles Unified School District's Transportation Branch (213) 580-2950 and if necessary, install temporary barriers and signage to ensure access to the school's walk and bus routes are maintained.
- The Project Applicant will install appropriate traffic signs (e.g., "sidewalk closed") around the site to ensure pedestrian and vehicle safety.
- The Project Applicant will maintain safe and convenient pedestrian routes to Westminster Elementary School. Crossing guards and/or flag men will be provided at the Project Applicant's expense as needed to ensure safe passage.
- Barriers and/or fencing will be installed to secure construction equipment and to minimize trespassing, vandalism, short-cut attractions, and attractive nuisances.
- The Project Applicant will provide security patrols to minimize trespassing, vandalism, and short-cut attractions.
- When Westminster Elementary School is in session there will be no staging or parking of construction vehicles, including vehicles to transport workers, on the south side of Abbot Kinney Boulevard, between Broadway and Westminster Avenue.

**Enforcement Agency:** City of Los Angeles Department of Transportation

**Monitoring Agency:** City of Los Angeles Department of Transportation

**Monitoring Phase:** Pre-construction; construction

**Monitoring Frequency:** Once at Project plan check prior to issuance of grading or building permit; once during field inspection

**Action Indicating Compliance:** Plan approval and issuance of grading permit; field inspection sign-off

**TRANS-PDF-8 Schools affected by Haul Route**

- The Los Angeles Department of Building and Safety (LADBS) will assign specific haul route hours of operation based upon Westminster Avenue Elementary School hours of operation.

- Haul route scheduling will be sequenced to minimize conflicts with pedestrians, school buses and cars at the arrival and dismissal times of the school day. Haul route trucks will not be routed past the school during periods when school is in session especially when students are arriving or departing from the campus.

**Enforcement Agency:** City of Los Angeles Department of Building and Safety

**Monitoring Agency:** City of Los Angeles Department of Building and Safety

**Monitoring Phase:** Pre-construction; construction

**Monitoring Frequency:** Once at Project plan check prior to issuance of grading or building permit; once during field inspection

**Action Indicating Compliance:** Plan approval and issuance of grading permit; field inspection sign-off

#### **TRANS-PDF-9      Automated Parking**

The three lifts in the Main Valet Area will have a total minimum service rate of 80 vehicles per hour (combined input and output) (approximately 27 per hour per lift).

**Enforcement Agency:** City of Los Angeles Department of Transportation

**Monitoring Agency:** City of Los Angeles Department of Transportation

**Monitoring Phase:** Operation

**Monitoring Frequency:** Once during field inspection

**Action Indicating Compliance:** Field inspection sign-off

#### **(2) Mitigation Measures**

No mitigation measures are identified in the EIR for this environmental issue.

### **I) Tribal Cultural Resources**

#### **(1) Project Design Features**

No project design features are identified in the EIR for this environmental issue.

#### **(2) Mitigation Measures**

**TRIBAL-MM-1** Prior to commencing any ground disturbance activities including excavating, digging, trenching, plowing, drilling, tunneling, quarrying, grading, leveling, removing peat, clearing, pounding posts, augering, backfilling, blasting,

stripping topsoil or a similar activity at the project site, the Applicant, or its successor, shall retain and pay for archeological monitors, determined by the City's Office of Historic Resources to be qualified to identify subsurface tribal cultural resources. The archeological monitors shall observe all ground disturbance activities on the project site beneath the disturbed alluvial soils/fill at all times the ground disturbance activities beneath the disturbed alluvial soils/fill are taking place. If ground disturbance activities beneath the disturbed alluvial soils/fill are simultaneously occurring at multiple locations on the project site, an archeological monitor shall be assigned to each location where the ground disturbance activities are occurring.

Prior to the commencement of any ground disturbance activities at the project site, the Applicant, or its successor, shall notify any California Native American tribes that have informed the City they are traditionally and culturally affiliated with the geographic area of the proposed project that ground disturbance activities, beneath the disturbed alluvial soils/fill, are about to commence and invite the tribes to observe the ground disturbance activities, beneath the disturbed alluvial soils/fill, if the tribes wish to monitor.

In the event that any subsurface objects or artifacts that may be tribal cultural resources are encountered during the course of any ground disturbance activities, all such activities shall temporarily cease within the area of discovery, the radius of which shall be determined by the qualified archeologist, until the potential tribal cultural resources are properly assessed and addressed pursuant to the process set forth below:

1. Upon a discovery of a potential tribal cultural resource, the Applicant, or its successor, shall immediately stop all ground disturbance activities, beneath the disturbed alluvial soils/fill, and contact the following: (1) all California Native American tribes that have informed the City they are traditionally and culturally affiliated with the geographic area of the proposed project; (2) and the Department of City Planning, Office of Historic Resources.
2. If the City determines, pursuant to Public Resources Code Section 21074 (a)(2), that the object or artifact appears to be a tribal cultural resource in its discretion and supported by substantial evidence, the City shall provide any affected tribe a reasonable period of time, not less than 14 days, to conduct a site visit and make recommendations to the Applicant, or its successor, and the City regarding the monitoring of future ground disturbance activities, as well as the treatment and disposition of any discovered tribal cultural resources.
3. The Applicant, or its successor, shall implement the tribe's recommendations if a qualified archaeologist, retained by the City and paid for by the Applicant, or its successor, reasonably concludes that the tribe's recommendations are reasonable and feasible.

4. In addition to any recommendations from the applicable tribe(s), a qualified archeologist shall develop a list of actions that shall be taken to avoid or minimize impacts to the identified tribal cultural resources substantially consistent with best practices identified by the Native American Heritage Commission and in compliance with any applicable federal, state or local law, rule or regulation.

5. If the Applicant, or its successor, does not accept a particular recommendation determined to be reasonable and feasible by the qualified archaeologist, the Applicant, or its successor, may request mediation by a mediator agreed to by the Applicant, or its successor, and the City. The mediator must have the requisite professional qualifications and experience to mediate such a dispute. The City shall make the determination as to whether the mediator is at least minimally qualified to mediate the dispute. After making a reasonable effort to mediate this particular dispute, the City may (1) require the recommendation be implemented as originally proposed by the archaeologist; (2) require the recommendation, as modified by the City, be implemented as it is at least as equally effective to mitigate a potentially significant impact; (3) require a substitute recommendation be implemented that is at least as equally effective to mitigate a potentially significant impact to a tribal cultural resource; or (4) not require the recommendation be implemented because it is not necessary to mitigate any significant impacts to tribal cultural resources. The Applicant, or its successor, shall pay all costs and fees associated with the mediation.

6. The Applicant, or its successor, may recommence ground disturbance activities outside of a specified radius of the discovery site, so long as this radius has been reviewed by a qualified archaeologist and determined to be reasonable and appropriate.

7. The Applicant, or its successor, may recommence ground disturbance activities inside of the specified radius of the discovery site only after it has complied with all of the recommendations developed and approved pursuant to the process set forth in paragraphs 2 through 5 above.

8. Copies of any subsequent prehistoric archaeological study, tribal cultural resources study or report, detailing the nature of any significant tribal cultural resources, remedial actions taken, and disposition of any significant tribal cultural resources shall be submitted to the South Central Coastal Information Center (SCCIC) at California State University, Fullerton and to the Native American Heritage Commission for inclusion in its Sacred Lands File.

9. Notwithstanding paragraph 8 above, any information determined to be confidential in nature, by the City Attorney's office, shall be excluded from submission to the SCCIC or the general public under the applicable provisions of the California Public Records Act, California Public Resources Code, section 6254(r), and shall comply with the City's AB 52 Confidentiality Protocols.

**Enforcement Agency:** City of Los Angeles Department of City Planning

**Monitoring Agency:** City of Los Angeles Department of City Planning

**Monitoring Phase:** Pre-construction

**Monitoring Frequency:** Once, prior to construction

**Action Indicating Compliance:** Submittal of compliance documentation prepared by certified archaeologist

## **m) Utilities and Service Systems**

### **(1) Project Design Features**

No project design features are identified in the EIR for this environmental issue.

### **(2) Mitigation Measures**

No mitigation measures are identified in the EIR for this environmental issue.

## **n) Energy Conservation**

### **(1) Project Design Features**

No project design features are identified in the EIR for this environmental issue.

### **(2) Mitigation Measures**

No mitigation measures are identified in the EIR for this environmental issue.