

OFFICE OF ZONING ADMINISTRATION  
200 N. SPRING STREET, ROOM 763  
LOS ANGELES, CA 90012-4801  
(213) 978-1318

**ESTINEH MAILIAN**  
CHIEF ZONING ADMINISTRATOR

**ASSOCIATE ZONING ADMINISTRATORS**

JACK CHIANG  
HENRY CHU  
JONATHAN A. HERSHEY, AICP  
THEODORE L. IRVING, AICP  
CHARLES J. RAUSCH JR.  
CHRISTINA TOY LEE

**CITY OF LOS ANGELES**  
CALIFORNIA



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MAYOR

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planning.lacity.org

September 27, 2022

James Smith (Owner/Applicant)  
5420 Sunset Boulevard LP, LLC  
22917 Pacific Coast Highway, Suite 300  
Malibu, CA 90265

Matt Dzurec (Representative)  
Armbruster, Goldsmith & Delvac  
12100 Wilshire Boulevard, Suite 1600  
Los Angeles, CA 90025

CASE NO. ZA-2017-1083-MCUP-SPP-SPR  
MAIN CONDITIONAL USE, PROJECT  
PERMIT COMPLIANCE, SITE PLAN  
REVIEW

5420-5450 West Sunset Boulevard,  
1418-1440 North Western Avenue,  
1441 North Serrano Avenue  
Hollywood Community Plan

Zone: C2-1

C.D: 13

D.M.: 147A193

CEQA: ENV-2017-1084-EIR,  
State Clearinghouse No. 2017061075  
Legal Description: Lot A, PM 2225

Pursuant to Sections 21082.1(c) and 21081.6 of the 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, ENV-2017-1084-EIR (State Clearinghouse No. 2017061075), dated August 19, 2021, and the Final EIR dated July 22, 2022 (5420 Sunset Project EIR), as well as the whole of the administrative record, I hereby:

CERTIFY the following:

- 1) The 5420 Sunset Project EIR has been completed in compliance with the California Environmental Quality Act (CEQA);
- 2) The 5420 Sunset Project EIR was presented to the Zoning Administrator as a decision-making body of the lead agency; and
- 3) The 5420 Sunset Project EIR reflects the independent judgment and analysis of the lead agency.

ADOPT the following:

- 1) The related and prepared 5420 Sunset Project EIR Environmental Findings;

- 2) The Statement of Overriding Considerations; and
- 3) The Mitigation Monitoring Program prepared for the 5420 Sunset Project EIR (Exhibit B).

Pursuant to Los Angeles Municipal Code Section 12.24 W.1, I hereby APPROVE:

a Main Conditional Use to authorize the sale and dispensing of a full-line of alcoholic beverages for on-site consumption in conjunction with six restaurant establishments, and the sale of a full line of alcoholic beverages for off-site consumption in conjunction with one grocery store, in the C2-1 Zone;

Pursuant to Los Angeles Municipal Code Section 11.5.7 C, I hereby APPROVE:

a Project Permit Compliance Review for the construction, use, and maintenance of a new mixed-use building consisting of 735 multi-family residential units and up to 95,000 square feet of neighborhood-serving commercial uses, with a maximum height of 75 feet, within Subarea C of the Vermont/Western TOD Station Neighborhood Area (SNAP) Specific Plan; and

Pursuant to Los Angeles Municipal Code Section 16.05, I hereby APPROVE:

a Site Plan Review for a project that results in net increase of 50 or more residential dwelling units;

Upon the following additional terms and conditions:

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 and floor plan submitted with the application and marked Exhibit "A", dated March 29, 2022, 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 Department of City Planning and the

Department of Building and Safety for purposes of having a building permit issued at any time during the term of this grant.

6. Within 30 days of the effective date 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 Development Services Center for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided to the Development Services Center for inclusion in the case file.

### **Main Conditional Use Permit Conditions**

7. **Authorization.** Approved herein is a conditional use authorizing the sale of a full line of alcoholic beverages in conjunction with the following:
  - a. Six restaurants, having a maximum combined square-footage of approximately 10,000 square feet, with alcoholic beverage service for on-site consumption.
  - b. One market/grocery store, having a maximum square-footage of approximately 68,000 square feet, with alcoholic beverage sales for off-site consumption.
  - c. Outdoor seating is authorized, but subject to limitation and approval with each venue pursuant to Condition No. 10.
8. No public dance hall use is authorized herein. Such use may only be approved through an authorizing conditional use grant.
9. There shall be no Adult Entertainment of any type pursuant to LAMC Section 12.70.
10. **Lease Agreements.** All establishments applying for an Alcoholic Beverage Control license shall be given a copy of these conditions prior to executing a lease and these conditions shall be incorporated into the lease. Furthermore, all vendors of alcoholic beverages shall be made aware that violations of these conditions may result in revocation of the privileges of serving alcoholic beverages on the premises.
11. **Main Plan Approval (MPA) Requirement.** Each of the seven individual venues where alcoholic beverages sales are proposed shall be subject to a Main Plan Approval (MPA) determination pursuant to Section 12.24-M of the Los Angeles Municipal Code in order to implement and utilize the Main Conditional Use authorization granted. The purpose of the Main Plan Approval determination is to review each proposed venue in greater detail and to tailor site-specific conditions of approval for each of the premises including but not limited to size, hours of operation, seating capacity, live entertainment, security, the length of a term grant and/or any requirement for a subsequent Plan Approval application to evaluate compliance and effectiveness of the conditions of approval. The Zoning Administrator may impose

more restrictive or less restrictive conditions on each individual tenant at the time of review of each Plan Approval application. A public hearing for any MPA request may be waived at the discretion of the Chief Zoning Administrator.

12. **MViP – Monitoring Verification and Inspection Program.** Prior to the effectuation of Main Plan Approval (MPA) grants, fees required per L.A.M.C Section 19.01-E,3 - Monitoring of Conditional Use Permits, Inspection, and Field Compliance for Review of Operations and Section 19.04 - Miscellaneous ZA Sign Offs shall be paid to the City.
  - a. Within 24 months from the beginning of operations or issuance of a Certificate of Occupancy, a City inspector will conduct a site visit to assess compliance with, or violations of, any of the conditions of this grant. Observations and results of said inspection will be documented and included in the administrative file.
  - b. The owner and operator shall be notified of the deficiency or violation and required to correct or eliminate the deficiency or violation. Multiple or continued documented violations or Orders to Comply issued by the Department of Building and Safety which are not addressed within the time prescribed, may result in additional corrective conditions imposed by the Zoning Administrator.
13. At any time during the period of validity of this grant, should documented evidence be submitted showing continued violation of any condition of this grant and/or the ABC license of the location, resulting in an unreasonable level of disruption or interference with the peaceful enjoyment of the adjoining and neighboring properties, the Zoning Administrator (upon their own initiative, or upon written request by LAPD or Department of ABC) reserves the right to call for a public hearing, the purpose of which will be to review the applicant's compliance with and the effectiveness of these conditions. The applicant shall file for a plan approval application together with associated fees, prepare a radius map, and cause notification to be mailed to all owners and occupants of properties within a 500-foot radius of the property, the Council Office, the Los Angeles Police Department's corresponding division, and the local Neighborhood Council. The applicant shall also submit a summary and any supporting documentation of how compliance with each condition of this grant has been attained. Upon this review, the Zoning Administrator may modify, add or delete conditions, and reserves the right to conduct this public hearing for nuisance abatement/revocation purposes.

#### **Project Permit Compliance Conditions**

14. **Parks First.** Prior to the issuance of a Certificate of Occupancy, the Applicant shall complete the following:
  - a. Make a payment to the Department of Recreation and Parks (RAP) for the required fee pursuant to LAMC Section 17.12. Contact RAP staff by email at [rap.parkfees@lacity.org](mailto:rap.parkfees@lacity.org), by phone at (213) 202-2682 or in person at the public

counter at 221 N. Figueroa St., Suite 400 (4th Floor), Los Angeles, CA 90012 to arrange for payment.

- b. The Applicant shall pay \$3,160,500 into the Parks First Trust Fund for the net increase of 735 residential dwelling units. The calculation of the Parks First Trust Fund Fee to be paid or actual park space to be provided pursuant to Parks First Ordinance shall be off-set by the amount of any fee pursuant to LAMC Section 17.12 or dwelling unit construction tax pursuant to LAMC Section 17.12 or dwelling unit construction tax pursuant to LAMC Section 12.10.1, et seq.
  - c. The applicant shall provide proof of payment for the Park Fee to DCP Major Project Division staff to determine the resulting amount of Parks First Trust Fund Fee to be paid. DCP staff shall sign off on the Certificate of Occupancy in the event there are no resulting Parks First Trust Fund Fee to be paid. In the event there are remaining Parks First Trust Fund Fee to be paid, the applicant shall make a payment to the Office of the City Administrative Officer (CAO), Parks First Trust Fund. The applicant shall submit proof of payment for the Parks First Trust Fund Fee to DCP staff, who will then sign off on the Certificate of Occupancy.
15. **Free Delivery.** Any individual retail unit containing 3,000 square feet or more of retail commercial floor area within the Project Site shall be subject to the following Delivery Program:
- a. The Delivery Program will only apply to purchases with an aggregate value of at least sixty dollars (\$60.00) made on-site and will not apply to any purchases made online, by phone or otherwise off-site.
  - b. Qualifying purchases to residents living within the boundaries of the SNAP Specific Plan area shall be delivered within 24 hours of the time of such purchase.
  - c. The Delivery Program will not apply to any returns.
  - d. The Delivery Program will not apply to restaurant, fast food or beverage establishments.
  - e. The Delivery Program will not apply to any hazardous items (i.e., acids, pesticides, petroleum products or propane).
  - f. To qualify for the Delivery Program, residents will be required to prove that they live within the SNAP Specific Plan. Deliveries under the Delivery Program may only be made to addresses within the SNAP Specific Plan area.
  - g. A notice shall be displayed regarding the availability and eligibility, including a map depicting the SNAP Specific Plan area, and applicable terms of the Delivery Program.

16. **Use.** Notwithstanding any provisions of the Code to the contrary, residential uses permitted in the R4 Zone by Section 12.11 of the Code, and commercial uses permitted in the C4 Commercial Zone by Section 12.16 of the Code, shall be permitted, provided that the following requirements are met:
  - a. Commercial uses in a Mixed-Use Project shall be limited to the Ground Floor.
  - b. With the exception of outdoor merchandise displays during sidewalk sales, outdoor eating areas and newsstands, all commercial activities, including storage, shall be conducted wholly within an enclosed building.
  - c. Projects shall comply with the Mixed-Use development standards of Section 13.09 F of the Code and the Pedestrian Orientation development standards of Section 13.07 E of the Code.
17. **Height.** The building shall not exceed a height of 75 feet. Roofs and roof structures for the purposes specified in Section 12.21.1 B 3 of the Code, may be erected up to ten feet above the prescribed height limit established in this section, provided that the structures and features are set back a minimum of ten feet from the roof perimeter and screened from view at street level by a parapet or a sloping roof.
18. **Floor Area Ratio.** The Floor Area Ratio (FAR) of the Project shall be limited to a maximum 3:1, or 882,246 square feet of floor area.
19. **Minimum and Maximum Automobile Parking.** The Project shall be limited to a minimum of 812 and a maximum of 1,042 residential parking spaces. A minimum of 185 and maximum of 368 residential guest parking spaces shall be provided.
20. **Commercial Parking.** The Project shall provide a maximum of 190 commercial parking spaces, which are to be shared with guest parking pursuant to SNAP Section 9.E.1(c).
21. **Bicycle Parking.** The Project shall provide a minimum of 368 residential bicycle parking spaces and 19 commercial bicycle parking spaces, for a total of 387 bicycle parking spaces.
22. **Pedestrian Throughways.** Project shall provide one public pedestrian walkway, throughway or path for every 250 feet of street frontage. The pedestrian throughway shall be accessible to the public and have a minimum vertical clearance of 12 feet, and a minimum horizontal clearance of 10 feet. The building facade facing the pedestrian walk way shall be improved in accordance with the provisions of the Guidelines.
  - a. The Project combined two of the required north-south pedestrian throughways for the Sunset Boulevard frontage, and therefore shall provide a minimum of a 20-foot wide paseo located near the center of the Project Site.

- b. Inner Block Pedestrian Walkway. The building facade facing the pedestrian walk way shall provide windows, doors and signs at ground level oriented to pedestrian traffic, in accordance with the provisions of the Guidelines.
23. **Yards.** Notwithstanding any contrary provisions of the Code, no front, side or back yards shall be required for the development.
24. **Open Space.** The Project shall provide a minimum of 77,325 square feet of usable open space, of which 19,331 square feet must be located at the first habitable room level. All common and private open space shall comply with the requirements of LAMC Section 12.21 G and SNAP Section 9.D.
25. **Landscape Plan.** Prior to the issuance of a building permit, a landscape plan shall be submitted that shows:
- a. An irrigation plan showing all landscaped areas are irrigated with an automated watering system including the public right-of-way. Landscaping shall be maintained in good health for the life of the project.
  - b. Portland cement concrete, pervious cement, grass-crete or another porous surface for the first 25 feet in length of driveways.
26. **Street Trees.** Street trees shall be installed and maintained prior to issuance of the building permit or suitably guaranteed through a bond and all improvements must be completed prior to the issuance of a certificate of occupancy.
- a. Thirty-six 36-inch box shade trees shall be provided in the public right-of-way along the Sunset Boulevard, Western Avenue, and Serrano Avenue project frontages, subject to the Department of Street Services, Urban Forestry Division requirements.
  - b. A tree well cover or decomposed granite shall be provided for every new and existing street tree immediately adjacent to the project frontage subject to review by the Department of Public Works.
  - c. An automatic irrigation system shall be provided.
  - d. Tree removal and replacement shall be conducted consistent with the Department of Street Services, Urban Forestry Division requirements.
  - e. The Applicant shall be responsible for new street tree planting and pay fees for clerical, inspection, and maintenance per the Los Angeles Municipal Code Section 62.176 for each tree.
  - f. Note: Contact the Urban Forestry Division, Subdivision staff, at (213) 847-3088 for site inspection prior to any street tree work.

27. **Streetscape Elements.** Streetscape elements shall be installed and maintained prior to issuance of the building permit or suitably guaranteed through a bond and all improvements must be completed prior to the issuance of a certificate of occupancy.
- a. A minimum of 31 bike racks shall be provided in the public right-of-way adjacent to the project site, subject to the Department of Public Works and Department of Transportation.
  - b. A minimum of five trash receptacles each shall be provided in the public right-of-way along the Western Avenue and Serrano Avenue project frontages and six trash receptacles shall be provided along the Sunset Boulevard frontage, subject to the Department of Public Works.
  - c. Public benches shall be provided for every 250 feet of lot frontage on a major or secondary highway in the public right-of way, subject to the requirements of the Department of Public Works.
28. The Project shall comply with the **SNAP Development Standards and Design Guidelines** as set forth below:
- a. **Usable Open Space.** Up to 75% of the usable open space may be provided above the ground floor, and shall comply with the following:
    - i. **Common Usable Open Space.** No portion of the required common usable open space shall have a dimension of less than 20 feet or 600 square feet.
    - ii. **Private Usable Open Space.** Private usable open space, such as balconies or patios, shall have a minimum dimension of six feet for balconies and ten feet for patios.
    - iii. **Tree Well Covers.** The Project provide a tree well cover for each new and existing tree in the Project area.
  - b. **Pedestrian/Vehicular Circulation.** All structures shall be oriented toward the main commercial street where the parcel is located and shall avoid pedestrian/vehicular conflicts by adhering to the following standards:
    - i. **Curb cuts.** The Project is permitted up to three (3) curb cuts each on Sunset Boulevard and Western Avenue with a maximum width of 20 feet unless otherwise required by the Departments of Public Works, Transportation or Building and Safety.
    - ii. **Pedestrian Entrance.** All buildings that front on a major or secondary highway or main commercial street, including parking structures, shall provide a pedestrian entrance at the front of the building, even when rear public entrances are provided.

- iii. **Design of Entrances.** Pedestrian Walkways, mid-block throughways, arcades or entrances shall be located in the center of the facade, or symmetrically spaced if there are more than one, or at the corner if in a corner building. Entrances shall be accented by architectural elements such as columns, overhanging roofs, awnings, etc.
  - iv. **Speed Bumps.** Whenever a pedestrian walkway and a driveway share the same path for more than 50 lineal feet, speed bumps shall be provided on the driveway at a distance of no more than 20 feet apart.
  - v. **Traffic Safety Feature.** Building staff will monitor ingress/egress during loading and unloading of commercial and residential operations to ensure pedestrian safety.
- c. **Utilities.** When new utility service is installed in conjunction with new development or extensive remodeling, all proposed utilities on the project site shall be placed underground.
- d. **Building Design.** The following standards shall be met:
- i. **Stepbacks.** No portion of any structure shall exceed more than 30 feet in height within 15 feet of the front property line on Sunset Boulevard. The portion of the building that fronts Sunset Boulevard shall set the second floor back from the first-floor frontage at least ten feet.
  - ii. **Transparent Building Elements.** Transparent building elements such as windows and doors shall occupy at least fifty percent of the exterior wall surface of the ground floor facades for the front and side elevations. Transparent building elements shall occupy at least twenty percent of the surface area of the rear elevation of the ground floor portion of any building which has surface parking located to the rear of the structure.
  - iii. **Facade Relief.** All exterior building walls shall provide a break in the plane, or a change in material every 20 feet in horizontal length and every 30 feet in vertical length, created by an articulation or architectural detail such as: a change in plane of at least six inches for a distance of not more than 20 feet; recessed entry ways, recessed windows, or pop-out windows; porticos, awnings, terraces, balconies, or trellises; building overhangs, projections or cantilevered designs; horizontal moldings; cornice lines; or other features or building materials that create a visual break. Aluminum framed window or doors that are flush with the plane of the building shall not be included as a change in material or as a break in the plane. Materials such as wood, glass block, brick, adobe and tile are encouraged. Architectural treatments on the building front elevation shall be continued on the sides and back of buildings.

- iv. **Building Materials.** All buildings shall apply at least two types of complementary building materials to exterior building facades such as adobe, wood, brick, stone or tile. Transparent building elements shall not be included as a change in material towards this requirement.
  - v. **Surface Mechanical Equipment.** All surface or ground mounted mechanical equipment, including transformers, terminal boxes, pull boxes, air conditioner condensers, gas meters and electric meter cabinets shall be screened from public view and treated to match the materials and colors of the building which they serve.
  - vi. **Roof Lines.** All roof lines in excess of forty feet must be broken up through the use of gables, dormers, plant-ons, cutouts or other appropriate means.
- e. **Rooftop Appurtenances.** All rooftop equipment and building appurtenances shall be screened from public view or architecturally integrated into the design of the building as follows:
- i. **Parapet Roofs.** The parapet roof shall be designed and constructed to accommodate roof-mounted equipment. Any portions of the equipment or ducts which are above the parapet shall be screened from view from any street, public right of way or adjacent property. The screening shall be solid and match the exterior building material, design and color.
- f. **Trash and Recycling Areas.** Trash storage bins shall be located within a gated, covered enclosure constructed of materials identical to the exterior wall materials of the building. The trash enclosure shall be minimum six feet high and shall have a separate area for recyclable materials.
- g. **Pavement.** Paved areas, excluding parking and driveway areas, shall consist of enhanced paving materials such as stamped concrete, permeable paved surfaces, tile, and/or brick pavers.
- h. **On-Site Lighting.** On-site lighting shall be installed along all vehicular access ways and pedestrian walkways. Parking areas shall have a minimum of 3/4 foot-candle of flood lighting measured at the pavement. All on-site lighting shall be directed away from adjacent properties. This condition shall not preclude the installation of low-level security lighting.
- i. **Lighting Shielded.** Sources of illumination shall be shielded from casting light higher than fifteen degrees (15) below the horizontal plane as measured from the light source. They shall not cast light directly into adjacent residential windows.
  - ii. **Light Mounting Height.** A maximum mounting height of light sources for ground level illumination shall be fourteen feet, measured from the finished grade of the area to be lit.

- iii. **Lamp Color.** Color corrected (“white”) high pressure sodium (HPS), color corrected fluorescent (2,700-3,000 degrees K), metal halide, or incandescent lamps shall be used for ground level illumination. Standard “peach” high pressure sodium, low pressure sodium, standard mercury vapor, and cool white fluorescent shall not be used for ground floor illumination.
  - i. **Security Devices.** Security devices shall be screened from public view. Alternative methods such as interior electronic security and fire alarm systems are encouraged. If metal security grills are used, grilles which recess into pockets or overhead cylinders, completely concealed and retractable shall be used and shall be integrated into the design of the building, using the space behind signage to house the gate if possible. Vertical or horizontally folding accordion grills in front of a building are prohibited. All security window bars shall be installed on the inside of the building.
  - j. **Hours of operation.** Parking lot cleaning and sweeping, trash collections and deliveries to or from a building shall occur no earlier than 7AM and no later than 8PM, Monday through Friday, and no earlier than 10AM and no later than 4PM on Saturdays and Sundays.
  - k. **Noise Control.** Any dwelling unit exterior wall including windows and doors having a line of sight to a public street or alley, shall be constructed so as to provide a Sound Transmission Class of 50 or greater, as defined in the Uniform Building Code Standard No. 35-1, 1979 edition, or latest edition. The developer, as an alternative, may retain an acoustical engineer to submit evidence, along with the application of a building permit, specifying any alternative means of sound insulation sufficient to reduce interior noise levels below 45dBA in any habitable room.
  - l. **Required Ground Floor Uses.** All of the street level floor, excluding entrances to upper floors, must be for commercial uses or community facilities up to a depth of 25 feet.
29. **Future Signage.** All future signs shall be reviewed by Planning staff for compliance with the Vermont/Western Station Neighborhood Area Plan (SNAP) Specific Plan and Design Guidelines. Filing for a Project Permit shall not be necessary unless a Project Permit Adjustment or Exception is required. Any pole, roof or off-site sign, any sign containing flashing, mechanical or strobe lights are prohibited. Canned signs should not be used.

### **Site Plan Review Conditions**

30. **Site Development.** The use and development of the property shall be in substantial conformance with the Plans (Exhibit A, dated March 29, 2022) of the subject case file. No change to the plans will be made without prior review by the Department of City Planning, Major Projects Section, and written approval by the Director of Planning. Each change shall be identified and justified in writing. Minor deviations

may be allowed in order to comply with the provisions of the Municipal Code or the project conditions. The project shall be constructed in a manner consistent with the following project description:

- a. A mixed-use development consisting of 735 multi-family residential units and up to 95,000 square feet of neighborhood-serving commercial uses, with a maximum height of 75 feet, and a floor area ratio of 3:1.

31. **Development Services Center.** Prior to sign-off on building permits by the Department of City Planning's Development Services Center, the Department of City Planning's Major Projects Section shall confirm, via signature, that the project's building plans substantially conform to the conceptual plans stamped as "Exhibit A", dated March 29, 2022.

**Note to Development Services Center:** The plans presented to, and approved by, the Zoning Administrator included specific architectural details that were significant to the approval of the project. Plans submitted at plan check for condition clearance shall include a signature and date from Major Projects Section planning staff to ensure plans are consistent with those presented to the Zoning Administrator.

32. **Landscape Plan.** Prior to the issuance of a building permit, a landscape and irrigation plan shall be submitted to the Department of City Planning for approval, in compliance with the LAMC and SNAP, Section 9 and SNAP Development Standards and Design Guidelines, Section V.
33. **Tree Requirement.** The Project shall provide a minimum of 184 (1 tree per every 4 dwelling units) 24-inch-box trees on-site or in the public right-of-way pursuant to LAMC Section 12.21 G, and pursuant to the requirements of SNAP, Section 9 and SNAP Development Standards and Design Guidelines, Section V.
34. **Tree Wells.** The minimum depth of tree wells and planters on the rooftop, any above grade open space, and above a subterranean structure shall be as follows:
  - a. Minimum depth for trees shall be 42 inches.
  - b. Minimum depth for shrubs shall be 30 inches.
  - c. Minimum depth for herbaceous plantings and ground cover shall be 18 inches.
  - d. Minimum depth for an extensive green roof shall be three inches.

The minimum amount of soil volume for tree wells shall be based on the size of the tree at maturity as follows:

- e. 220 cubic feet for a tree 15 - 19 feet tall at maturity.
- f. 400 cubic feet for a tree 20 - 24 feet tall at maturity.
- g. 620 cubic feet for a medium tree or 25 - 29 feet tall at maturity.

h. 900 cubic feet for a large tree or 30 - 34 feet tall at maturity.

Any trees that are required pursuant to LAMC Section 12.21 G and are planted on any podium or deck shall be planted in a minimum three-foot planter.

35. **Lighting.**

- a. Outdoor lighting shall be designed and installed with shielding, such that the light source cannot be seen from adjacent residential properties, the public right-of-way, nor from above.
- b. Areas where nighttime uses are located shall be maintained to provide sufficient illumination of the immediate environment so as to render objects or persons clearly visible for the safety of the public and emergency response personnel.
- c. All pedestrian walkways, storefront entrances, and vehicular access ways shall be illuminated with lighting fixtures.
- d. Lighting fixtures shall be harmonious with the building design. Wall mounted lighting fixtures to accent and complement architectural details at night shall be installed on the building to provide illumination to pedestrians and motorists.

36. **Glare.** The exterior of the proposed structure shall be constructed of materials such as, but not limited to, high-performance and/or non-reflective tinted glass (no mirror-like tints or films) and pre-cast concrete or fabricated wall surfaces to minimize glare and reflected heat.

37. **Reflectivity.** Glass used in building façades shall be non-reflective or treated with a non-reflective coating in order to minimize glare from reflected sunlight.

38. **Signage.** There shall be no off-site commercial signage on construction fencing during construction.

**Environmental Conditions**

39. **Implementation.** The Mitigation Monitoring Program (MMP), attached as “Exhibit B”, dated July 2022, 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.

40. **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 business 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.

41. **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.

42. **Tribal Cultural Resource Inadvertent Discovery.** In the event that objects or artifacts that may be tribal cultural resources are encountered during the course of

any ground disturbance activities<sup>1</sup>, all such activities shall temporarily cease on the project site until the potential tribal cultural resources are properly assessed and addressed pursuant to the process set forth below:

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

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

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.

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

**43. INDEMNIFICATION AND REIMBURSEMENT OF LITIGATION COSTS**

Applicant shall do all of the following:

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

The City shall notify the applicant within a reasonable period of time of its receipt of any action and the City shall cooperate in the defense. If the City fails to notify the

applicant of any claim, action, or proceeding in a reasonable time, or if the City fails to reasonably cooperate in the defense, the applicant shall not thereafter be responsible to defend, indemnify or hold harmless the City.

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

For purposes of this condition, the following definitions apply:

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

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

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

### **OBSERVANCE OF CONDITIONS - TIME LIMIT - LAPSE OF PRIVILEGES**

All terms and conditions of the approval shall be fulfilled before the use may be established. The instant authorization is further conditional upon the privileges being utilized within three years after the effective date of approval and, if such privileges are not utilized or substantial physical construction work is not begun within said time and carried on diligently to completion, the authorization shall terminate and become void.

### **TRANSFERABILITY**

This authorization runs with the land. In the event the property is to be sold, leased, rented or occupied by any person or corporation other than yourself, it is incumbent upon you to advise them regarding the conditions of this grant.

### **VIOLATIONS OF THESE CONDITIONS, A MISDEMEANOR**

Section 12.29 of the Los Angeles Municipal Code provides:

"A variance, conditional use, adjustment, public benefit or other quasi-judicial approval, or any conditional approval granted by the Director, pursuant to the authority of this chapter shall become effective upon utilization of any portion of the privilege, and the owner and applicant shall immediately comply with its Conditions. The violation of any valid Condition imposed by the Director, Zoning Administrator,

Area Planning Commission, City Planning Commission or City Council in connection with the granting of any action taken pursuant to the authority of this chapter, shall constitute a violation of this chapter and shall be subject to the same penalties as any other violation of this Code.”

Every violation of this determination is punishable as a misdemeanor and shall be punishable by a fine of not more than \$2,500 or by imprisonment in the county jail for a period of not more than six months, or by both such fine and imprisonment.

**APPEAL PERIOD - EFFECTIVE DATE**

The applicant's attention is called to the fact that this grant is not a permit or license and that any permits and licenses required by law must be obtained from the proper public agency. Furthermore, if any Condition of this grant is violated or if the same be not complied with, then the applicant or his successor in interest may be prosecuted for violating these Conditions the same as for any violation of the requirements contained in the Municipal Code. The Zoning Administrator's determination in this matter will become effective after **October 12, 2022**, unless an appeal therefrom is filed with the City Planning Department. It is strongly advised that appeals be filed early during the appeal period and in person so that imperfections/incompleteness may be corrected before the appeal period expires. Any appeal must be filed on the prescribed forms, accompanied by the required fee, a copy of the Zoning Administrator's action, and received and receipted at a public office of the Department of City Planning on or before the above date or the appeal will not be accepted. **Forms are available on-line at <http://planning.lacity.org>.** Public offices are located at:

**Downtown**  
Figueroa Plaza  
201 North Figueroa Street,  
4th Floor  
Los Angeles, CA 90012  
[\(213\) 482-7077](tel:(213)482-7077)

**San Fernando Valley**  
Marvin Braude San Fernando  
Valley Constituent Service Center  
6262 Van Nuys Boulevard,  
Room 251  
Van Nuys, CA 91401  
[\(818\) 374-5050](tel:(818)374-5050)

**West Los Angeles**  
West Los Angeles  
Development Services Center  
1828 Sawtelle Boulevard,  
2nd Floor  
Los Angeles, CA 90025  
[\(310\) 231-2598](tel:(310)231-2598)

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.

**NOTICE**

The applicant is further advised that subsequent contact regarding this determination must be with the staff assigned to this case. This would include clarification, verification of condition compliance and plans or building permit applications, etc., and shall be accomplished **BY APPOINTMENT ONLY**, in order to assure that you receive service with a minimum amount of waiting. You should advise any consultant representing you of this requirement as well.

## FINDINGS OF FACT

After thorough consideration of the statements contained in the application, the plans submitted therewith, and the statements made at the public hearing on August 17, 2022, all of which are by reference made a part hereof, as well as knowledge of the property and surrounding district, I find that the requirements for authorizing a conditional use approval under the provisions of Sections 11.5.7, 12.24, and 16.05 have been established by the following facts:

### BACKGROUND

The subject property, consisting of two lots, is a level, rectangular-shaped, corner, through, approximately 294,119 square-foot (6.75 acre) parcel of land with frontages on the south side of Sunset Boulevard, the west side of Serrano Avenue, and the east side of Western Avenue.

The property is developed with a one-story supermarket shell above partially below-grade parking, vacant commercial space, a one-story fast-food restaurant, and associated street level parking that together comprise approximately 100,796 square feet of existing building area. Landscaping within the property includes trees and bushes located throughout the surface parking areas, including 65 non-protected trees. Several street trees are also located adjacent to the property along Sunset Boulevard, Serrano Avenue, and Western Avenue.

The property is located within the Hollywood Community Plan which designates the property for Highway Oriented Commercial land uses on its General Plan Land Use map, with corresponding zones of C1, C2, P, RAS3, and RAS4. The property is zoned C2-1, having a Height District of 1, which imposes no height limitation and a maximum FAR of 1.5:1.

The property is also located within the boundaries of the Vermont/Western TOD Station Neighborhood Area (SNAP) Specific Plan, a 2.2 square-mile, transit-oriented district within the Hollywood and Wilshire Communities of Los Angeles. The property is specifically located in Subarea C, Community Center, of the Specific Plan area, which allows maximum building heights of 75 feet to the top of the roof/parapet and a maximum FAR of 3:1 for mixed-use projects.

The property is also within the boundaries of the former Community Redevelopment Agency (CRA) Hollywood Redevelopment Plan and previously subject to a CRA Redevelopment Plan. The CRA Redevelopment Plan identified the property as Highway Oriented Commercial. According to the Redevelopment Plan, Highway Oriented Commercial uses shall generally provide neighborhood-oriented goods and services. Additionally, Section 502 of the Redevelopment Plan provides that "the land uses permitted in the [Redevelopment] Project Area shall be those permitted by the General Plan, the applicable Community Plan, and any applicable City zoning ordinance, all as they now exist or are hereafter amended and/or supplemented from time to time."

Further, the property is located within a Restaurant Beverage Program Eligible Area, an Adaptive Reuse Incentive Area, a Tier 3 Transit Oriented Community, Urban Agriculture

Incentive Zone, Opportunity Zone, Los Angeles Promise Zone, Los Angeles State Enterprise Zone, and is approximately 1.35 kilometers from the Upper Elysian Park fault.

### Project Summary

The 5420 Sunset Project involves the development of a mixed-use project consisting of 735 multi-family residential units and up to 95,000 square feet of neighborhood-serving commercial uses, including a grocery store, retail and restaurant uses. The proposed uses would be provided within four buildings that would be up to six stories with a maximum height of 75 feet. Overall, the project would demolish approximately 100,796 square feet of existing floor area and construct a maximum of 882,246 square feet of new floor area, resulting in an increase of 781,450 square feet of floor area within the Project Site for an FAR of 3:1.

The project includes 1,409 vehicle parking spaces that would be distributed across the property in two subterranean parking levels and in an at-grade parking level located near the mid- to rear portion of the property. 387 bicycle parking spaces would also be provided within the site and on adjacent sidewalks.

The project would include residential lobbies and a leasing office, pools, spas, and other recreational facilities. In addition, the project would provide approximately 91,606 square feet of open space, including landscaped courtyards, a paved plaza fronting Sunset Boulevard, and a covered paseo at the ground level that would be publicly accessible from Sunset Boulevard, Western Avenue, and Serrano Avenue.

As proposed, the applicant is requesting a Main Conditional Use to authorize the sale and consumption of a full line of alcoholic beverages for on-site consumption for six establishments and off-site consumption for one grocery store, a Project Permit Compliance Review for a new mixed-use building within Subarea C of the Vermont/Western Transit Oriented Development Specific Plan (SNAP), and a Site Plan Review for a project that results in an increase of 50 or more dwelling units.

### Surrounding properties

The Project Site is located in an urbanized area that includes a mixture of low- and mid-rise buildings occupied primarily by commercial and residential uses. Properties to the north, across Sunset Boulevard, are zoned C2-1 and developed with multi-family residential with ground floor commercial/retail, associated parking, an inn, a theater (Upright Citizens Brigade Theatre) and neighborhood serving retail. Properties to the south are zoned CM-1 and developed with office uses, a parking structure and a parking lot. Properties to the east, across Serrano Avenue, are zoned C2-1 and R4-2, are also located within Subarea C of the SNAP Specific Plan, and developed with neighborhood-serving commercial/retail uses in the C2-1 zone and multi-family and single-family residential development in the R4-2 zones. Properties to the west, across Western Avenue, are zoned C2-1, are located within Subarea F of the SNAP Specific Plan, and is developed a big-box retail (Target) development along with associated commercial retail/restaurant uses.

In the vicinity of the Project Site, the major arterials such as Sunset Boulevard are generally developed with denser residential and commercial development, while lower density mixed-

use and residential areas are located along the adjacent collector streets, including Serrano Avenue.

### **Streets**

Sunset Boulevard is a designated Avenue I in the Mobility Plan, with a dedicated width of 102 feet, and improved with an asphalt roadway and concrete gutter, curb, sidewalk, streetlights and tree wells.

Western Avenue is designated as Modified Avenue I in the Mobility Plan, with a dedicated width of 100 feet, and improved with an asphalt roadway, concrete gutter, curb, sidewalk, streetlights and tree wells.

Serrano Avenue is a designated Local Street in the Mobility Plan, with a dedicated width of 60 feet, and improved with an asphalt roadway and concrete gutter, curb, sidewalk, streetlights, and tree wells.

### **Freeway Access**

The Project Site is located in the Hollywood area of Los Angeles. Primary regional access to the study area is provided by the Hollywood Freeway (US-101). US-101 generally runs in the northwest-southeast direction and is located less than 0.3 mile southwest of the Project Site. US-101 provides four travel lanes in each direction. Access to and from the freeway is available via interchanges at Sunset Boulevard, Western Avenue, Hollywood Boulevard, and Santa Monica Boulevard.

### **Public Transit**

The Project Site is approximately .25 miles south of the Metro B (Red) Line station located at the corner of Hollywood Boulevard and Western Avenue. There are multiple public transit service options in the vicinity of the Project Site. There is also a bus stop located at the southeast corner of Sunset Boulevard and Western Avenue adjacent to the Project Site. Metro's local Bus Line includes route 2, 4, 175, 180/181, 206, and 207, Metro's rapid Bus Line includes route 704, 757, and 780, Metro's Limited Bus Line route 302, and the Los Angeles Department of Transportation (LADOT)'s DASH Hollywood and Commuter Express Route 222.

### **Previous Cases, Affidavits, and Orders**

City Planning staff, utilizing the Department's Zoning Information and Map Access System (ZIMAS) and the Planning Case Tracking System (PCTS), reviewed current and prior actions associated with the subject property and those within a 500-foot radius of the subject property and found the following:

#### **Subject Property:**

Case No. APCC-2006-95-SPE-CU – This case was terminated on December 19, 2006.

Case No. CPC 2002-1128-CA – On February 8, 2003, Ordinance No. 175,038 became effective, resulting in the establishment of the Adaptive Reuse Incentive Areas Specific Plan.

Case No. CPC-2000-1976-SP – On January 23, 2001, Ordinance No. 173,749 was adopted by City Council, resulting in the establishment of the Vermont/Western Station Neighborhood Area Plan.

Case No. CPC 86-0835(GPC) – On May 6, 1990, Ordinance No. 165,667-SA465 became effective, resulting in the property being zoned C2-1.

Case No. ZA 95-0701(PAD) – On November 28, 1995, the Zoning Administrator issued a determination of conditional use status and approval of plans, in conjunction with the establishment of an enclosed children's play area and the enlargement of the eating area at an existing McDonald's fast food restaurant, at 5450 Sunset Boulevard.

Case No. ZA 89-1029(CUB) – On August 17, 1990, City Council granted an appeal (CF 90-1337), overturning the action of the Board of Zoning Appeals (BZA 4184), and approved a conditional use to allow the sale of alcoholic beverages for off-site consumption in conjunction with a proposed drug store, having hours of operation from 9 a.m. to 10 p.m. Monday through Saturday, and from 9 a.m. to 7 p.m. on Sunday, on property located within the M1-2 Zone, at 5422 Sunset Boulevard.

Case No. ZA 86-0445(CUB) – On July 29, 1986, the Zoning Administrator approved a conditional use to allow the sale of alcoholic beverages for off-site consumption in conjunction with a proposed supermarket, on property located within the M1-2 Zone, at 5420 Sunset Boulevard.

Ordinance No. 129,944 – On April 29, 1965, City Council approved this ordinance, placing the property within Fire District No. 1.

Surrounding Properties:

Case No. CPC-2019-4639-CU-DB-SPE-SPP-MCUP-DD-SPR-PHP – On September 4, 2020, the City Planning Commission approved a Conditional Use Permit to allow a 70 percent density over the entire Project Site, which allowed 412 dwelling units in lieu of 329 units in exchange for setting aside 25 percent of the base density, or 61 units for Very Low Income Households; a 35 percent Density Bonus, in exchange for setting aside 25 percent of the base permitted density, or 61 units for Very Low Income households, eliminate a required East/West pedestrian throughway, and to allow a building height of 95 feet in lieu of a maximum permitted height of 75 feet; a Specific Plan Exemption to permit 169 commercial parking spaces, in lieu of the maximum permitted of 67 commercial parking spaces; a Project Permit Compliance Review to demolish an existing commercial building and surface parking and permit a mixed-use building consisting of a 33,569 square foot commercial and a 412-unit residential building, with a maximum height of 95 feet; a Main Conditional Use Permit to allow for the sale and dispensing of a full-line of alcoholic beverages for on-site

consumption in conjunction with two restaurant establishments and on- and off-site sale at one grocery store; a Director's Decision to permit the planting of 72 on-site trees and pay an in lieu fee for 31 required on site trees in lieu planting 103 on-site trees; and a Site Plan Review to demolish the existing commercial building and associated parking and construct a mixed-use building consisting of a 33,569 square foot commercial and a 412-unit residential building, with a maximum height of 95 feet; all on property located within the C2-1 Zone, at 5509-5529 West Sunset Boulevard, 1505-1535 North Western Avenue and 5518 West Harold Way.

Case No. APCC-2019-4338-SPE-CU-CUB-SPP-1A – On September 6, 2022, the City Council Planning and Land Use Management Committee recommended that an appeal be denied (CF 22-0023), and approve a Conditional Use Permit to allow a hotel within 500 feet from a Residential Zone; a Conditional Use Permit to allow the sale and dispensing of a full line of alcoholic beverages for on-site consumption within 36 hotel rooms (mini bars) and a rooftop bar/lounge; a Project Permit Compliance to allow for the demolition of an existing duplex and surface parking lot, and the construction, use, and maintenance of a new four-story, mixed-use boutique hotel with 36 guest rooms, 10 residential apartment units, and an at-grade parking level with one subterranean level; and a Specific Plan Exception from Section 9.A.1 of the Vermont/Western SNAP to allow commercial uses above the ground-floor and from Section 9.C of the Vermont/Western to allow the proposed building to exceed the Transitional Height limits for a project abutting a Subarea A lot; all on property located within the C2-1 Zone, at 1530 North Western Avenue. The appeal determination is pending a final determination with the City Council.

Case No. ZA-2016-1530-CUB-CU-1A – On May 29, 2018, the Central Los Angeles Area Planning Commission granted and appeal in part and denied an appeal in part, resulting in the approval of conditional uses to allow the sale and dispensing of a full-line of alcoholic beverages for on-site consumption in conjunction with a private creative office use/club (with interior and exterior areas) and a public on-site restaurant, 24-hour daily operation, a zero-foot landscape setback in lieu of the otherwise required five-foot setback along St. Andrews Place, and to allow tandem parking on a Commercial Corner Development, all on property located within the (Q)C2-1 and P-1 Zones, at 1360-1370 St. Andrews Place.

Case No. ZA-2015-2903-MCUP-SPP-SPPA-DB-SPR – On May 4, 2018, the Zoning Administrator approved a Master Conditional Use to allow for the sale and dispensing of a full line of alcoholic beverages for on-site consumption at two restaurant establishments and off-site sale at one grocery store establishment; a Project Permit Compliance Review for the demolition of an existing commercial/retail building with surface parking, and the construction, use, and maintenance of a mixed-use commercial and residential building, a maximum of 80 feet in height, with a maximum of 33,980 square feet of commercial floor area and 293 dwelling units in the C2-1 Zone within Subarea C (Community Center) of the Vermont/Western Station Neighborhood Area Plan (SNAP) Transit Oriented District Specific Plan; a Project Permit Adjustment to allow a 10-foot minimum height for the east-west pedestrian throughway that runs through the parking lot portion of the ground floor podium of the

building in lieu of the minimum 12 feet vertical clearance required by Section 9.G1 in the Vermont/Western Specific Neighborhood Area Plan (SNAP); two on-menu Affordable Housing Incentives (a maximum FAR up to 3.3:1 in lieu of a 3:1 FAR and a maximum building height of 80 feet in lieu of 75 feet) for a Density Bonus Housing Development Project for the construction of 293 dwelling units, reserving at least ten (10) percent or 25 dwelling units, of the 242 pre-density bonus dwelling units, for Very-Low-Income Restricted Affordable Units for a period of 55 years; and a Site Plan Review for a project that creates 293 dwelling units and 33,980 square feet of commercial floor area; all on property located within the C2-1 Zone, at 1505-1535 North Western Avenue.

Case No. ZA-2015-2632-CUB-1A – On March 29, 2016, the Central Area Planning Commission granted an appeal, overturned the action of the Zoning Administrator, and denied a conditional use to allow the sale and dispensing of beer and wine for on-site consumption in conjunction with an existing 34, 177 square foot adult trade comedy school in the C2-1 Zone, at 5419 West Sunset Boulevard.

Case No. CPC-2015-74-GPA-SP-CUB-SPP-SPR-1A – On June 30, 2016, the City Council granted an appeal in part and denied an appeal in part, resulting in the approval of a conditional use to allow for the sale of a full line of alcoholic beverages for off-site consumption; a Site Plan Review for a project which results in an increase of 50,000 square feet or more of non-residential floor area and an increase of over 1,000 average daily trips; and a Specific Plan Project Permit Compliance with the Station Neighborhood Area Plan (SNAP); on property located within the C2 Zone, at 5500 – 5544 West Sunset Boulevard, 1417 – 1441 North Western Avenue, 1414 St. Andrews Place and 5505-5525 West De Longpre Avenue. In addition, City Council adopted ordinances to grant a General Plan Amendment to the Hollywood Community Plan and the Mobility Element to redesignate a portion of Sunset Boulevard from Avenue I to Modified Major Highway and to redesignate a portion of Western Avenue from a Modified Avenue I to a Modified Major Highway; a Specific Plan Amendment to establish Land Use Regulations, Development Standards, and Design Guidelines for a new Subarea F, Large Scale Commercial Node designation; a Specific Plan Amendment to change the Subarea Designation from Subarea C to Subarea F.

Case No. ZA 2010-1314(CUB) – On October 14, 2010, the Zoning Administrator approved a conditional use to allow the sale and dispensing of beer and wine for off-site consumption in conjunction with an existing 12,610 square-foot pharmacy and drug store in the C2-1 and [Q]R4-1 Zones, at 5451 West Sunset Boulevard.

Case No. APCC-2008-2703-SPE-CUB-SPP-SPR-1A – On August 18, 2010, City Council denied appeals (CF 09-2092), resulting in the approval of Specific Plan Exceptions from the Vermont/Western SNAP to allow relief from the requirement for projects containing 40,000 square feet or more of retail commercial floor area to submit a program for retail use designed to provide free delivery of purchases made at the site by residents living in the Specific Plan Area; to allow a maximum building height of 74 feet above grade in lieu of the maximum permitted building height of 35

feet, with roof structures and other vertical elements to be setback zero feet from the roof perimeter; to permit the project to provide 458 parking spaces in lieu of the maximum permitted 378 spaces; to allow the entrance canopy and balconies which are to be located within 15 feet of the property line along Sunset Avenue to exceed the maximum permitted height of 30; to be relieved from the requirement that the second floors along Sunset Boulevard and Western Avenue be setback a minimum of ten feet from the first floor frontage; to permit transparent building elements such as windows and doors to occupy approximately 25% of the ground floor facade along St. Andrews Place in lieu of the minimum 50% building transparency otherwise required; to be exempted from the requirement that all roof lines in excess of 40 feet must be broken up through the use of gables, dormers, cut-outs or other means; to allow store deliveries between the hours of 5 a.m. and 12 a.m. Monday- Sunday, with typical store operating hours are from 6 a.m. to 12 a.m. (with business hours of 8 a.m. to 10 p.m.), holiday store operating hours for the week before Thanksgiving to December 23 of 5 a.m. to 12 a.m. (with business hours of 8 a.m. to 11 p.m.), and business hours of 7 a.m. to 11 p.m. on the day after Christmas; a conditional use to allow the sale of beer and wine for off-site consumption; a Project Permit Compliance with the Vermont/Western Transit Oriented District Specific Plan; and a Site Plan Review for a project which results in an increase of 50,000 gross square feet or more of nonresidential floor area and a net increase of over 1,000 average daily trips; and denied without prejudice an Exception to permit a 27 foot wide curb cut on Western Avenue in lieu of the maximum width of 20 feet for a curb cut located on a main commercial street; all on property located within the C2-1 Zone, at 5520 West Sunset Boulevard.

Case No. APCC-2003-2145-ZV-SPE-SPP-SPR-YV – On July 29, 2003, the Central Area Planning Commission approved Variances to allow commercial parking in a residential zone, reductions in the required side and rear yards in a residential zone, an increase in maximum density and building height otherwise prohibited by [Q] Condition, relocation of required bicycle parking racks, reduction in the landscaped buffer between bicycle parking and vehicle parking spaces, and a reduction in the overall common landscaped open space; Specific Plan Exceptions to allow facade relief every 25 to 32 feet, to allow a maximum height of 75 feet, to allow a height of 65 feet within the transitional height area, to allow relief from having a portion of the building face a public street, to allow 100 percent of the open space be located above grade level, to allow a reduced parking requirement for residential uses, to allow an excess of commercial parking spaces, to reduce the required number of bicycle parking spaces, to allow commercial parking on the front of the property, to allow a 65-foot height within a required setback, to allow transparent display cases in lieu of windows along the exterior ground level wall facades, to allow horizontal relief every 25 to 32 feet, to allow relief from the requirement to provide a decorative perimeter wall at least three feet six inches in height, for parking structures abutting a residential use or zone, and to allow a reduced six percent of the surface parking lot area landscaped; a Specific Plan Project Permit Compliance for the project; a Site Plan Review; and denied a Specific Plan Exception to allow a roof deck within a 20 foot

setback; all on property located within the C2-1 and [Q]R4-2 Zones, at 1516 North Western Avenue.

Case No. ZA 2001-1512(CUB) – On September 26, 2001, the Zoning Administrator approved a conditional use to allow the sale and dispensing for consideration of beer and wine as a use accessory to a restaurant, having hours of operation from 11 a.m. to 10 p.m. daily, on property located within the C2-1 Zone, at 5404 West Sunset Boulevard.

Case No. ZA 95-0758(PAB) – On January 22, 1996, the Zoning Administrator approved plans for the reconstruction and reopening of a cocktail bar serving a full line of alcoholic beverages, damaged in the 1994 Northridge earthquake, including one preexisting pool table (a preexisting pinball machine is permitted by right), on property located within the C2-1 Zone, at 1532 North Western Avenue.

Case No. ZA 91-1181(RV) – On October 22, 1992, the Board of Zoning Appeals denied an appeal (BZA 4645), sustaining the action of the Zoning Administrator, who determined that there was sufficient grounds to conclude that the past and present operation of the liquor store (Fazzi's Liquor Store), having off-site liquor sales, has constituted a public nuisance, has resulted in repeated nuisance activities and has endangered the safety of persons residing in the surrounding area, and imposed corrective conditions on the operation of the use, on property located within the C2-1 Zone, at 1538 North Western Avenue.

Case No. ZA 88-1164(AE) – On January 13, 1989 the Zoning Administrator denied an extension of amortization period request to allow the continued use and maintenance of an adult sexual encounter establishment, on property located within the C2-1 Zone, at 5325 Sunset Boulevard.

Case No. ZA 88-0589(AE) – On July 21, 1988, the Zoning Administrator granted an extension to the amortization period to March 6, 1991, in conjunction with the continued use and maintenance of an existing adult motion picture theater, on property located within the C2-2 Zone, at 1508 North Western Avenue.

## **ENVIRONMENTAL CLEARANCE**

An Environmental Impact Report ENV-2017-1084-EIR (State Clearinghouse House No. 2017061075), findings, a Statement of Overriding Considerations, accompanying mitigation measures, and Mitigation Monitoring Program have been prepared as the environmental clearance for the project. The Environmental Impact Report identified impacts that would have 1) no impacts or less than significant impacts, 2) potential significant impacts that could be mitigated to less than significant, and 3) impacts that would remain significant and unavoidable. The Project would implement mitigation measures to address air quality, cultural resources, geology (paleontological resources), noise (on-site noise and vibration during construction and cumulative impacts with respect to off-site construction noise). Nonetheless, the Project's on-site noise during construction and on-site vibration during construction (human annoyance) impacts and cumulative noise impacts for off-site construction noise would remain significant and unavoidable after mitigation.

## **Correspondence**

Aidan P. Marshall, Adams Broadwell Joseph & Cardozo – In a letter with attachments dated August 26, 2022, the representative for CREED LA argues that that the project EIR doesn't adequately analyze or mitigate significant impacts related to public health, air quality, and noise; and that the project is inconsistent with land use policies for failing to include affordable housing.

Damon P. Mamalakis, Armbruster Goldsmith & Delvac LLP – In a letter with attachments dated August 26, 2022, the applicant's representative provided comments in rebuttal (summarized below) to those submitted by Adams Broadwell Joseph & Cardozo on behalf of the Coalition for Responsible Equitable Economic Development (CREED) Los Angeles, dated September 12, 2022; Lozeau Drury LLP on behalf of the Supporters Alliance for Environmental Responsibility (SAFER), dated August 16, 2022; and Allison Mannos a nearby resident, dated August 15, 2022.

### Adams Broadwell Joseph & Cardozo on behalf of the Coalition for Responsible Equitable Economic Development (CREED) Los Angeles

- CREED Comment No. 1. The FEIR fails to recognize the City's legal duty to analyze health risks from construction and operational emissions. The City was required to prepare a quantified health risk assessment for the Project because CEQA requires that a project's health risks "must be clearly identified and the discussion must include 'relevant specifics' about the environmental changes."
  - Response to CREED Comment No. 1 – The Draft EIR correctly identified that proposed construction activities would be limited in duration and considered a short-term source of TAC emissions. SCAQMD's CEQA Air Quality Handbook does not recommend analysis of TACs from short-term construction activities associated with land use development projects and because of such short-term exposure period, further evaluation of construction TAC emissions within the Draft EIR was not warranted. From an operational standpoint, the Draft EIR correctly identified that the proposed land uses would not generally involve the use of heavy-duty diesel trucks with the exception of occasional moving trucks, trash trucks or delivery trucks. This comment does not provide substantial evidence to demonstrate that a quantified HRA related to any potential on-site sources of TACs is required under CEQA or that the City abused its discretion.
- CREED Comment No. 2. The FEIR's HRA fails to analyze health risk impacts on children. The City's decision not to analyze health risk impacts on children by refusing to use Age Sensitivity Factors (ASF) in the FEIR's HRA is not supported by substantial evidence.
  - Response to CREED Comment No. 2 - The Draft and Final EIR correctly identified that proposed construction activities would be limited in duration and considered a short-term source of TAC emissions. SCAQMD's CEQA Air Quality Handbook does not recommend analysis of TACs from short-term construction activities associated with land use development projects. The Draft EIR correctly concluded

that Project-related TAC emission impacts during construction would be less than significant and consequently not result in a potential health risk impact. From an operational standpoint, the Draft EIR correctly identified that the proposed land uses would not generally involve the use of heavy-duty diesel trucks with the exception of occasional moving trucks, trash trucks or delivery trucks. The purpose of the HRA provided as Appendix FEIR-2 of the Final EIR was to identify the potential for impacts at the maximum exposed sensitive receptor. The receptor was identified east of the Project Site, across Serrano Avenue (for combination construction and operational emissions). The Project-related incremental cancer risk was below the applicable SCAQMD significance threshold of 10 in one million people. The HRA showed the risk was 7.01 in one million with a 70-year duration and 5.4 in one million with a 30-year duration. Thus, the reported maximum impact identified in the HRA was appropriately used for comparison to the SCAQMD significance threshold. As a point of clarification, an HRA is not inadequate if it does not analyze impacts on “all” sensitive receptors because impacts decrease over distance away from the source and impacts are less than significant at the maximum exposed sensitive receptor. A quantified HRA using ASFs is not required, and the City as the Lead Agency has the discretion, as the commenter admits, to select the appropriate thresholds of significance and methodologies based on the supporting evidence for evaluating a project’s impacts including potential impacts related to health risk. A detailed HRA was not warranted as the Project would not contain substantial on-site sources of TACs.

- CREED Comment No. 3. Substantial evidence demonstrates that the Project will have a significant health risk impact on children.
  - Response to CREED Comment No. 3 – The appellant’s expert’s analysis is flawed and improperly used ASFs. The analysis assumed a construction exposure duration of 4 years with ASFs for children less than 2 years of age followed by operational exposure duration of 66 years with ASFs beginning with children less than 2 years of age. This would essentially require a child to be born twice. Furthermore, their analysis is not consistent with OEHHA guidance referenced in their comments. OEHHA decreased the maximum exposed individual resident (MEIR) exposure duration from 70 years to 30 years and more than doubles the exposure duration included in their analysis.
- CREED Comment No. 4. The FEIR fails to mitigate the Project’s significant health risk impact to a less-than-significant level, related to Diesel Particulate Matter (DPM) emitted during Project construction and operations. The mitigation measures identified in the FEIR’s Mitigation Monitoring Program (“MMRP”) fail to reduce these impacts to a less-than-significant level.
  - Response to CREED Comment No. 4 - The HRA provided as Appendix FEIR-2 of the Final EIR was done voluntarily for informational purposes only to supplement the administrative record and respond to comments, and further demonstrate that even if an HRA was necessary (which it was not) the Project

would not have a significant air quality impact. The Project-related incremental cancer risk is below the applicable SCAQMD significance threshold of 10 in one million people (SCAQMD, South Coast AQMD Air Quality Significance Thresholds, April 2019). No additional mitigation measures are warranted.

- CREED Comment No. 5. The City removed Mitigation Measure AIR-MM-6 in the FEIR, which would have reduced impacts by requiring the use of solar-powered generators, to the extent commercially available, should generators be required during construction.
  - Response to CREED Comment No. 5 - Regional construction impacts were reduced to less than significant with implementation of two mitigation measures (AIR-MM-1 and AIR-MM-2), therefore, no further mitigation was required. AIR-MM-6 was not required to reduce impacts to a less than significant level, is not a quantifiable reduction, and was not included in the air quality modeling.
- CREED Comment No. 6. The FEIR conceals potentially significant environmental impacts by disguising mitigation measures as project design features, specifically related to noise impacts. The City’s noise analysis is flawed because it incorporates NOI-PDF-2 through NOI-PDF-4 in its impacts analysis, in violation of CEQA.
  - Response to CREED Comment No. 6 - As discussed in FEIR Section II, Response to Comment No. 11-27, the proposed Project Design Features (PDFs) are not intended to be mitigation and do not “mitigate” any significant impacts but are expressly features of the Project. All required CEQA impact areas were fully analyzed, and PDFs and mitigation measures were factored into that analysis appropriately, including regarding construction noise impacts.
- CREED Comment No. 7. The City cannot make the requisite entitlement findings for the Project’s approvals because the Project has unmitigated significant impacts.
  - Response to CREED Comment No. 7 –The commenter confuses the nature of the Project’s significant and unavoidable impacts with the findings necessary for the approval of the Project. The Project has no operational significant and unavoidable impacts; all operational impacts are less than significant. The Project’s only significant and unavoidable impacts are temporary construction impacts related to noise and vibration. Moreover, all feasible mitigation measures have been adopted to reduce temporary construction noise and vibration impacts. The Draft EIR correctly identified that the proposed land uses would not generally involve the use of heavy-duty diesel trucks with the exception of occasional moving trucks, trash trucks or delivery trucks; the cancer risk evaluation was performed consistent with State guidance.
- CREED Comment No. 8. The mitigation measures for air quality included in the FEIR will not reduce air quality impacts to a less than significant level. Specifically, MM-AQ-2 [sic], will not reduce DPM levels to less than significant level.

- RESPONSE No. 8 – The HRA provided as Appendix FEIR-2 of the Final EIR was done voluntarily for informational purposes only to supplement the administrative record and respond to comments, and further demonstrated that even if an HRA was necessary (which it was not) the Project would not have a significant air quality impact. The Project-related incremental cancer risk is below the applicable SCAQMD significance threshold of 10 in one million people. No additional mitigation measures provided in this comment (e.g., modifying AIR-MM-2 to include 2010 and newer truck models rather than 2007 and newer truck models) are warranted based on the HRA’s cancer risk determination or this comment.
- CREED Comment No. 9. The Project could result in significant unmitigated impacts if the FEIR is approved. The City must re-evaluate the significant impacts identified in this letter by requiring the preparation of a revised final environmental impact report.
  - Response to CREED Comment No. 9 – As demonstrated above, the Final EIR meets the standards of CEQA and the commenter’s claims are not supported by substantial evidence.

**Lozeau Drury on behalf of the Supporters Alliance for Environmental Responsibility (SAFER)**

- SAFER Comment No. 1. The EIR relied on unsubstantiated input parameters to estimate project emissions and thus the project may result in significant air quality impacts. The EIR incorrectly estimated the Project’s construction emissions and therefore cannot be relied upon to determine the significance of the Project’s impacts on local and regional air quality.
  - Response to SAFER Comment No. 1 – As detailed in DEIR Section IV.A, the Project will not result in a significant air quality impact. The commenter’s claims are not supported by substantial evidence. The DEIR appropriately relied on SCAQMD recommended methodology in analyzing air quality impacts related to construction equipment. Specifically, SCAQMD’s *Sample Construction Scenarios for Projects Less Than Five Acres in Size*, as well as the CalEEMod User’s Guide. The User’s Guide contains default information obtained from a survey conducted by SCAQMD of construction sites with a range of project types and sizes and provides a default construction equipment list and phase length data based on the total lot acreage of a project. The commenter has not provided any supporting documentation or substantial evidence as to why overlapping construction activities would not occur or why the Project-specific construction schedule used in the Draft EIR would not address potential air quality impacts from the Project. Furthermore, the model does not allow the selection of specific equipment from specific phases for mitigation and instead applies mitigation to equipment in the order of input. As an example, if a user wants to apply Tier 4 mitigation for a backhoe during building construction and there are five backhoes in previous phases (e.g., demolition or excavation), then the user would have to input six backhoes as mitigated. The user would then have to disregard the mitigated

results from those previous phases and only report the results from the phase considered for mitigation. This is precisely the methodology used in the Draft EIR analysis. Consistent with AIR-MM-1, only the grading/excavation phase was reported as mitigated. All other phases of construction were reported as unmitigated even though Tier 4 mitigation was included for all phases.

- SAFER Comment No. 2. An updated air model analysis found that the project will have a significant air quality impact.
  - Response to SAFER Comment No. 2 – As detailed in DEIR Section IV.A, and Appendix B of the DEIR, the Project will not result in a significant air quality impact. The commenter's own analysis shows that the number of days for individual construction phases were changed from the CalEEMod default. They provide no explanation for this change from CalEEMod default phase lengths. In reverting to the CalEEMod default construction schedule, the commenter's analysis decreased the number of grading/export days from 154 to 21 (please note SWAPE did not use the CalEEMod default of 20 days). This would substantially increase the amount of export on a daily basis to accommodate total export of 380,000 cubic yards. It should come as no surprise that increasing the number of daily haul trucks from 180 to 1,320 (which is what would be needed to haul 380,000 cubic yards of export in 21 days) would increase daily pollutant emissions. Project site constraints would not allow for that amount of haul truck activity nor is that what the Project construction schedule calls for. Also, the heavy-duty equipment mix (e.g., excavator) analyzed in the Draft EIR for excavation/export would not be sufficient to move that amount of export in that shortened period of time. This same error was made by the commenter for demolition. Furthermore, the commenter did not evaluate the reduction in emissions associated with Mitigation Measure AIR-MM-2, which requires the use of 2007 model year or newer engines for haul trucks associated with demolition and grading activities. They do not account for the type of construction proposed under the Project scenario. The commenter has not provided any supporting documentation or substantial evidence as to why the construction assumptions used in the Draft EIR analysis would not be representative of the Project's construction.
- SAFER Comment No. 3. The EIR failed to adequately analyze the Project's greenhouse gas impacts and thus the project may result in significant greenhouse gas emissions.
  - Response to SAFER Comment No. 3 – The Draft EIR did not use a numeric threshold, as neither the City nor SCAQMD has adopted a numeric threshold applicable to the Project. Instead, a significance determination was made based on consistency with applicable regulatory plans and policies to reduce GHG emissions, including SB 375, CARB's Climate Change Scoping Plan, SCAG's 2016–2040 RTP/SCS, and the City's Green New Deal, which is consistent with CEQA Guidelines Section 15604.4 and the Newhall Ranch Case. Statewide GHG reduction goals target multiple sources of emissions such as transportation,

energy usage, water usage and solid waste, all of which have different reduction targets. The use of a single numeric threshold would not be able to demonstrate how the Project would comply with reduction measures for each of the sources of GHG emissions. Therefore, the use of a qualitative threshold would be more informative and serves to demonstrate Project consistency with GHG reduction targets, as CEQA expressly provides for.

The performance based daily VMT per capita, suggested by the commenter, is not a threshold of significance used by the lead agency to analyze GHG impacts. The commenter utilizes the Statewide and County VMT goals to calculate a per capita objective, which is inappropriate for a project-level EIR. The Project's total annual VMT estimated in CalEEMod and provided in Appendix B of the Draft EIR incorporates all of the VMT from residents, guests, employees, and patrons traveling to and from the Project Site. The commenter's calculations significantly overestimate the daily VMT per capita and are based on erroneous calculations and misleading performance-based objectives that cannot be used as project-level thresholds.

Based on OPR's CEQA guidance, LADOT's revised TAG establishes VMT as a primary metric for evaluating transportation impacts, and utilizes a 15 percent below existing average household and employee VMT per capita threshold for the Area Planning Commission (APC) area in which a project is located. The Draft EIR analyzed transportation VMT thresholds based on the goal of VMT per capita or per employee that is 15 percent or more below that of existing development, which is a reasonable and achievable threshold in determining significant transportation impacts to reduce GHG emissions. As concluded in Section IV.I Transportation, the Proposed Project's household VMT per capita would not exceed the daily household VMT per capita impact threshold of 6.0 and is well below the RTP/SCS goals cited by the commenter. Furthermore, it is important to note that GHG impacts are not dependent on the Project's VMT impacts. The significance of the Project's GHG emissions impacts is not based on the quantification of GHG emissions provided or VMT per capita. The Project's impact related to GHG emissions focuses on its overall consistency with statewide, regional, and local plans adopted for the purpose of reducing and/or mitigating GHG emissions and were concluded to be consistent with those applicable plans. The Project is the type of land use development that is encouraged by the RTP/SCS to reduce VMT and expand multi-modal transportation options in order for the region to achieve the GHG reductions from the land use and transportation sectors required by SB 375.

As described in Table IV.D-7 on pages IV.D-63 and IV.D-64 in Section IV.D, Greenhouse Gas Emissions, of the Final EIR, the Project would implement measures to reduce VMT, consistent with the goals of the 2020–2045 RTP/SCS. The Project would include features to reduce per capita VMT in comparison to existing uses. As shown in Appendix B of the Draft EIR, incorporation of USEPA MXD VMT reduction features applicable to the Project results in a 29 percent reduction in overall VMT and resultant GHG emissions. This reduction is

attributable to the Project characteristics of being an infill development near transit that supports multi-modal transportation options, consistent with the GHG reduction strategies in the 2016–2040 RTP/SCS and 2020–2045 RTP/SCS.

As shown in Section IV.D, Greenhouse Gas Emissions, of the Final EIR, the analysis shows that the Project does not conflict with the 2016–2040 RTP/SCS and 2020–2045 RTP/SCS regulatory requirements to reduce regional GHG emissions from the land use and transportation sectors by 2035. Given the Project's consistency with statewide, regional, and local plans adopted for the reduction of GHG emissions, it is concluded that the Project's incremental contribution to greenhouse gas emissions and their effects on climate change would not be considerable and no mitigation measures would be required. Project impacts related to greenhouse gas emissions were correctly determined to be less than significant without mitigation. Therefore, there is no basis for converting Project Design Feature (PDF) GHG-PDF-1 to a mitigation measure as the commenter suggests. The entire purpose of including these as PDFs is to ensure that they are included in the Project and are not subject to change. Mitigation Monitoring Program, of this Final EIR, along with details about the enforcement and monitoring agencies, timing, and action indicating compliance. Compliance with the MMP will be a Condition of Approval by the City.

- SAFER Comment No. 4. The project may have a significant health risk impact from indoor air quality impacts. The commenter's expert has conducted a review of the proposed Project and relevant documents regarding the Project's indoor air emissions and concludes that it is likely that the Project will expose residents and commercial employees of the Project to significant impacts related to indoor air quality, and in particular, emissions of the cancer-causing chemical formaldehyde, and has suggested mitigation measures to reduce these alleged significant health risks.
  - Response to SAFER Comment No. 4 – The commenter provides no credible evidence that the Project will be constructed with building materials with significant amounts of formaldehyde, primarily citing an unsubstantiated, general article prepared by their expert, which provides limited corroborating data (e.g., CARB) to support the expert's own research/opinion. Thus, the calculations provided by their expert amount to speculation and do not reflect the actual proposed Project uses and are thus unsupported by substantial evidence.

The commenter's expert overestimates the amount of potential residential exposure to formaldehyde from the proposed Project in several aspects and provides is no evidence substantiating the amount of formaldehyde exposure. The analysis provided by the commenter's expert incorrectly applies an entire 70-year average lifetime (24 hours per day from birth to death) to calculate residential formaldehyde exposure, thus vastly overestimating any potential formaldehyde exposure to residents who would occupy the proposed Project by incorrectly assuming that residents would live at the proposed Project for their entire lives.

The assumption that the daily exposure level of formaldehyde for workers would be constant for a 45-year period significantly overestimates the amount of potential formaldehyde emissions from the proposed Project. This is speculative and incorrect by incorrectly assuming that construction materials would not comply with all applicable regulations, it assumes that formaldehyde emissions from construction materials would remain constant for over 45 years. Additionally, there is no evidence that the proposed Project would employ the same workers consistently for 45 years and the comment acknowledges that workers would occupy a workspace for 8 hours per day, yet still inhale the 24-hour amount. By significantly overstating the exposure duration time, their expert does not provide an accurate assessment of risk exposure and does not provide credible evidence of significant impacts related to indoor air quality. As required by law, the Proposed Project would be built with materials that are compliant with current regulations, which establish appropriate levels of formaldehyde in composite wood materials. The mechanical air supply will meet the specifications of the L.A. Green Building Code as required for residential and commercial spaces; however, no mitigation measures are warranted as impacts are less than significant.

With regard to PM2.5 ambient concentrations and whether MERV 13 filtration is included as part of the Project, the Project would be required to comply with the City's Green Building Code which mandates MERV 13 filtration. As such, the Project would already provide for the mechanical supply of outdoor air ventilation suggested by the commenter's expert, who additionally does not provide substantial evidence of indoor air quality impacts from the Proposed Project.

The commenter's expert proposes a methodology that should be used for analyzing carcinogenic risks in a mixed-use residential and commercial building. However, the City of Los Angeles as the Lead Agency for CEQA review has the discretion to apply the thresholds of significance and appropriate methodologies used for impact analyses. The City's choice of thresholds and methods is supported by substantial evidence in the administrative record.

Similar to their argument that the City should use different methodology for impact analysis, they also recommends mitigation measures based on an incorrect assumption that the proposed Project has significant impacts. As demonstrated by the EIR analysis, and supported by substantial evidence in the record, the proposed Project does not have significant impacts to air quality. Moreover, as required by law, the Proposed Project would comply with Section 5.504.4, Finish Pollutant Material Control, of the L.A. Green Building Code, which requires hardwood plywood, particleboard and medium density fiberboard composite wood products used on the interior or exterior of the building shall meet the requirements for formaldehyde as specified in CALGreen Table 5.504.4.5. Further, Section A5.504.4.5.1 of the L.A. Green Building Code requires composite wood products to be approved by the ARB as no-added formaldehyde (NAF) based resins or ultra-low emitting formaldehyde (ULEF) resins.

Allison Mannos (Resident)

- Mannos Comment No. 1. Opposed to the Project for reasons that it lacks affordable housing, will increase displacement of low income and senior residents and increase gentrification in the neighborhood
  - Response to Mannos Comment No. 1 – The Project and the requested entitlements do not require the inclusion of affordable housing units. The Project site is located in the Vermont/Western TOS Station Neighborhood Area Plan, which does not require affordable housing. The Specific Plan prioritizes development of new housing and commercial development to serve diverse economic and physical needs. The Project is providing 735 residential units of varying sizes, all of which are net new units for the area. No existing residential units are located on the Project Site, and the Project will not directly remove a single residential unit on the Project site nor remove any off-site units.

Amalia Bowley Fuentes, Lozeau Drury LLP – In a letter dated August 23, 2022, the representative for SAFER indicated their withdrawal of their comments dated September 21, 2021, and August 16, 2022, and states their support for the project.

Stephanie Park, East Hollywood Neighborhood Council – In a letter dated August 23, 2022, the Neighborhood Council states their opposition to the project due to its lack of affordable dwellings.

Kyle Kramer – In an email dated August 17, 2022, Mr. Kramer states his opposition to the project, citing the EIR's inadequacy in addressing impacts to transportation, parks and recreation, and libraries. More specifically, Mr. Kramer objects to the project's lack of pedestrian orientation, increase in driveways, lack of shading structures and lighting for existing bus stops, lack of public accessibility to required open space, lack of support of expanding library services; and lack of affordable dwellings.

Damon P. Mamalakis, Armbruster Goldsmith & Delvac LLP – In a letter dated August 17, 2022, the applicant's representative requests additional time to more comprehensively respond to comments recently submitted by Adams Broadwell Joseph & Cardoza and Lozeua Drury LLP.

Gary Benjamin – In an email dated August 16, 2022, Mr. Benjamin expressed his support for the project.

Amalia Bowley Fuentes, Lozeau Drury LLP – In a letter with attachments dated August 16, 2022, the representative for SAFER expresses their opposition to the project, citing a failure of the FEIR to address and impose all feasible mitigation measures to reduce the project's impacts.

Allison Mannos – In an email dated August 15, 2022, Ms. Mannos expresses her opposition to the project, citing its gentrification effects and lack of affordable dwellings.

Aidan P. Marshall, Adams Broadwell Joseph & Cardozo – In a letter with attachments dated August 12, 2022, the representative for CREED LA expresses their opposition to the project

due to failures in the FEIR to adequately analyze, quantify, and mitigate potentially significant impact, and inability to make findings in support of the required discretionary actions as a result.

Jack Ritchie – In a letter dated August 10, 2022, Mr. Ritchie expresses his support for the project.

Adam and Clark – In an email dated August 5, 2022, these local neighbors to the project expressed their support for the project.

Kevin Austin, CALEX Engineering – In a letter dated July 29, 2022, Mr. Austin expresses his support for the project.

Alek Friedman – In an email dated July 27, 2022, this community member expressed support for the project, suggesting that it incorporate decorative pavers in the sidewalk.

80 letters in support of the project were received from members of the Carpenter’s Union, Laborer’s Union, Masonry Union, International Union of Operating Engineers, Gunitite Shotcrete Laborer’s Union, and employees of Largo Concrete.

Additional public comments regarding the Draft Environmental Impact Report (EIR) for the project are addressed in the Final EIR: <https://planning.lacity.org/development-services/eir/5420-sunset-project-1>

## **PUBLIC HEARING**

A Notice of Public Hearing was sent to abutting property owners and/or occupants residing near the subject site for which an application was filed with the Department of City Planning. All interested persons were invited to attend the public hearing where they could listen, ask questions or present testimony regarding the project. Interested parties were also invited to submit written comments regarding the request prior to the public hearing. A public hearing was held before the Zoning Administrator on August 17, 2022 at 9:00 a.m. Due to concerns over COVID-19, the hearing was conducted entirely telephonically. 21 individuals participated in the meeting. The purpose of the hearing was to obtain public testimony from affected and/or interested persons regarding the application.

Matt Dzurec, representative for the applicant, summarized the project and request as follows:

- This is a zoning-compliant project.
- It is a mixed-use project.
- The SNAP permits the proposed uses, density, height, and FAR.
- This is a transit-rich area – there is a Metro station within 1/4 mile.
- The project will be 6 stories, 75 feet in height, with two levels of subterranean parking.
- 387 bicycle parking stalls will be provided.

Ken Soudani, TCA Architects

- The upper stories of the project will observe a step back.

- The existing palm trees along Sunset Boulevard will be preserved.
- There are three paseos / throughways in the project, providing linkages to opposite sides of the block.
- There are varied vehicle access ways for commercial and residential uses.
- A driveway is aligned with De Longpre Avenue at its intersection with Western Avenue.
- Adding additional trees along Sunset Boulevard.
- The mass of the building is broken up through the use of varying architectural styles.
- The paseo from Sunset Boulevard, and from Serrano Avenue to Western Avenue will be covered.
- There will be elevated landscaped courtyards.

Matt Dzurec

- The project meets all zoning requirements.
- The project provides housing in a transit-rich area.
- All parking is provided on-site, in parking areas wrapped by active uses.
- Multiple residential amenities are proposed.
- The EIR only identified significant impacts associated with temporary construction-related noise.
- We have reviewed comments submitted by SAFER/CREED LA, and they did not appear to raise any new issues.
- We ask for a one week advisement period to more substantially respond to those comments.

The hearing was then opened to receive testimony from the general public.

Craig Bullock, Planning Director, Council District 13

- The project does not maximize opportunities for affordable housing.
- Our office cannot be supportive of the project.

Andy Diaz

- How can this project move forward without providing affordable housing?

Margarita, local resident

- I am concerned about the impact on local traffic.
- The project does not fit in, and traffic will impact smaller streets.

Daniella, local resident

- This is a giant new mall with market-rate housing.
- This does not help the community.
- I do not approve of this project.

Oscar Arslanian, local resident

- I am in support of the project.
- The project totally improves the area.
- I love the walking opportunities and proposed open spaces.
- This architecturally fits in the community.

Albert Duarte, Iron Workers Union 416

- This project does not support the local economy.
- The project has no plan to utilize skilled trades.

Shomari Davis, IBEW Local 11

- I oppose the project.
- We need to fight for wages, benefits.
- There needs to be responsible contractors.

Shawn, CREED

- The project can do more for the community.
- The architecture and lack of community participation are incompatible
- We need a more appropriate project.

Gus, UA Welders and Apprentices Local 250

- Not in support.
- The project is not inclusive.

Ray, Anchor Church of LA

- Need more affordable housing.

Brian, Sheet Metal Workers Local 105

- Oppose the project.
- Project should use the most skilled and qualified workers.

Doug Haines, local resident

- Am a member of the La Mirada Neighborhood Association.
- I commend the applicant for the project design.
- We don't need more residential units.
- The project should be combined with the south adjoining project and redeveloped with a film studio.
- We need good jobs.
- The local councilmember's opinion is not relevant to the community.
- I support the project but hope for more/reconsidered programming for the site.

Doug, UA Sprinkler Fitters Local 709

- We need more affordable housing in the city.
- Need commitments from the applicant to use skilled labor.
- I oppose the project.

Roger, local resident

- The project is good in theory, but bad in practice.
- Needs affordable housing.

Steve, Ironworkers Local 433

- Oppose the project.
- Need to ensure the use of skilled trades and contractors.

John

- The project should include more community open space and affordable housing.

Omar, UA Plumbers Local 78

- The project should use skilled labor.
- Oppose the project.

Godfrey Wachira, CREED LA

- I oppose the project.
- It needs to live up to environmental justice.
- The EIR HRA is wrong; issues need to be addressed.

Pastor Zack, CREED LA

- The project is proposed in Council District 13, the Councilmember is in opposition.
- Homelessness is anticipated to increase.
- The project proposed no affordable housing.
- The project does not meet the needs of the community.
- The project must include affordable housing.
- Do not approve this project.

Aidan Marshall, CREED LA

- I have submitted a letter in response to the EIR.

Kyle Kramer, local resident

- I want to echo some of the prior comments.
- I have submitted comments in writing.
- The project should provide public amenities.

- The project should improve the bus stop.
- All I see is an increase in vehicle traffic.
- I want to echo comments about providing affordable housing.

Adam Walton, local resident

- I want there to be more affordable housing.
- There is a homelessness problem.
- I am concerned about quality of life.

Jim Strelow, Largo Concrete, project contractor

- Project workers will be union members.
- I am in support of the project.

Vivian, local resident

- This is a monster project.
- Traffic will be made worse.
- I am against the project.

Following these testimonies, the applicant's representative was given an opportunity to respond to the comments heard.

Matt Dzurec

- There was a traffic study conducted in conjunction with the EIR – there were no significant impacts identified in the study.
- An HRA was prepared and did not identify any significant impacts.
- We are in discussions to utilize union labor.
- The project does not seek any incentives – it is proposed and designed in compliance with Zoning and SNAP requirements – no affordable housing should be imposed.
- There is no requirement to provide affordable housing as proposed.

At the conclusion of the hearing, the Zoning Administrator announced that the matter would be taken under advisement until the close of the business day on Friday, August 26, 2022, in order to receive the applicant's more detailed rebuttal to written comments recently received.

### **MANDATED FINDINGS**

In order for the requests to be approved, all of the legally mandated findings delineated in Section 11.5.7, 12.24, and 16.05 of the Los Angeles Municipal Code must be made in the affirmative. The following section states such findings in bold type with the applicable justification set forth immediately thereafter.

## **Main Conditional Use 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 subject property, consisting of two lots, is a level, rectangular-shaped, corner, through, approximately 294,119 square-foot (6.75 acre) parcel of land with frontages on the south side of Sunset Boulevard, the west side of Serrano Avenue, and the east side of Western Avenue.

The project involves the redevelopment of the project site with a new mixed-use project consisting of 735 multi-family residential units and up to 95,000 square feet of neighborhood-serving commercial uses, including a grocery store, retail and restaurant uses. The proposed uses would be provided within four buildings that would be up to six stories with a maximum height of 75 feet. Overall, the project would demolish approximately 100,796 square feet of existing floor area and construct a maximum of 882,246 square feet of new floor area, resulting in an increase of 781,450 square feet of floor area within the Project Site for an FAR of 3:1. The project includes 1,409 vehicle parking spaces that would be distributed across the property in two subterranean parking levels and in an at-grade parking level located near the mid- to rear portion of the property. 387 bicycle parking spaces would also be provided within the site and on adjacent sidewalks. The project would include residential lobbies and a leasing office, pools, spas, and other recreational facilities. In addition, the project would provide approximately 91,606 square feet of open space, including landscaped courtyards, a paved plaza fronting Sunset Boulevard, and a covered paseo at the ground level that would be publicly accessible from Sunset Boulevard, Western Avenue, and Serrano Avenue.

The Project Site is located in an urbanized area that includes a mixture of low- and mid-rise buildings occupied primarily by commercial and residential uses. Properties to the north, across Sunset Boulevard, are zoned C2-1 and developed with multi-family residential with ground floor commercial/retail, associated parking, an inn, a theater (Upright Citizens Brigade Theatre) and neighborhood serving retail. Properties to the south are zoned CM-1 and developed with office uses, a parking structure and a parking lot. Properties to the east, across Serrano Avenue, are zoned C2-1 and R4-2, are also located within Subarea C of the SNAP Specific Plan, and developed with neighborhood-serving commercial/retail uses in the C2-1 zone and multi-family and single-family residential development in the R4-2 zones. Properties to the west, across Western Avenue, are zoned C2-1, are located within Subarea F of the SNAP Specific Plan, and is developed a big-box retail (Target) development along with associated commercial retail/restaurant uses.

In the vicinity of the Project Site, the major arterials such as Sunset Boulevard are generally developed with denser residential and commercial development, while lower density mixed-use and residential areas are located along the adjacent collector streets, including Serrano Avenue.

The applicant is requesting a Main Conditional Use to authorize the sale and consumption of a full line of alcoholic beverages for on-site consumption in conjunction with six restaurant establishments and a full line of alcoholic beverages for off-site consumption in conjunction with one grocery store.

According to submitted plans, 10,000 square feet are anticipated toward restaurant uses and 68,000 square feet toward market uses (including mezzanine). Anticipated restaurant use spaces would be available fronting on both Sunset Boulevard and Western Avenue, while the market use would front on Sunset Boulevard.

No comments have been received in opposition to the request for alcoholic beverage availability in conjunction with the development of the project.

This Main Conditional Use authorization allows up to six separate restaurant venues and one market/grocery store venue to offer alcoholic beverages for on- or off-site consumption. All seven venues are subject to subsequent Main Plan Approval applications, or other approved review as permitted by the Los Angeles Municipal Code, as future individual tenants for specific establishments are identified and more specific operational details are defined. At that time, the proposed venue's mode and character, intensity of use, hours of operation, entertainment, security measures, and other operational characteristics can be considered and conditions can be fashioned to appropriately ensure compatibility with the surrounding area.

The development in the area caters to a variety of needs and serves a mixture of residential, office and commercial uses, as well as visitors. The availability of alcohol-serving restaurants would promote pedestrian activity by providing convenient restaurant options to on- and off-site residents and visitors. Additionally, alcohol sales for off-site consumption at the grocery store would attract individuals who reside on-site and who live within the surrounding neighborhoods, and the option to purchase alcohol would be convenient as they would be able to either walk or drive a short distance, thus serving the general community.

Through the approval of these requests, the proposed project will serve its patrons as well as contribute to the collection of tax revenue, increased employment opportunities, and enhance the cultural character of the community. Therefore, as conditioned, the project will provide a service that is beneficial to the community, city or region.

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 subject property, consisting of two lots, is a level, rectangular-shaped, corner, through, approximately 294,119 square-foot (6.75 acre) parcel of land with frontages on the south side of Sunset Boulevard, the west side of Serrano Avenue, and the east side of Western Avenue.

The project involves the redevelopment of the project site with a new mixed-use project consisting of 735 multi-family residential units and up to 95,000 square feet of neighborhood-serving commercial uses, including a grocery store, retail and restaurant uses. The proposed uses would be provided within four buildings that would be up to six stories with a maximum height of 75 feet. Overall, the project would demolish approximately 100,796 square feet of existing floor area and construct a maximum of 882,246 square feet of new floor area, resulting in an increase of 781,450 square feet of floor area within the Project Site for an FAR of 3:1. The project includes 1,409 vehicle parking spaces that would be distributed across the property in two subterranean parking levels and in an at-grade parking level located near the mid- to rear portion of the property. 387 bicycle parking spaces would also be provided within the site and on adjacent sidewalks. The project would include residential lobbies and a leasing office, pools, spas, and other recreational facilities. In addition, the project would provide approximately 91,606 square feet of open space, including landscaped courtyards, a paved plaza fronting Sunset Boulevard, and a covered paseo at the ground level that would be publicly accessible from Sunset Boulevard, Western Avenue, and Serrano Avenue.

The Project Site is located in an urbanized area that includes a mixture of low- and mid-rise buildings occupied primarily by commercial and residential uses. Properties to the north, across Sunset Boulevard, are zoned C2-1 and developed with multi-family residential with ground floor commercial/retail, associated parking, an inn, a theater (Upright Citizens Brigade Theatre) and neighborhood serving retail. Properties to the south are zoned CM-1 and developed with office uses, a parking structure and a parking lot. Properties to the east, across Serrano Avenue, are zoned C2-1 and R4-2, are also located within Subarea C of the SNAP Specific Plan, and developed with neighborhood-serving commercial/retail uses in the C2-1 zone and multi-family and single-family residential development in the R4-2 zones. Properties to the west, across Western Avenue, are zoned C2-1, are located within Subarea F of the SNAP Specific Plan, and is developed a big-box retail (Target) development along with associated commercial retail/restaurant uses.

In the vicinity of the Project Site, the major arterials such as Sunset Boulevard are generally developed with denser residential and commercial development, while lower density mixed-use and residential areas are located along the adjacent collector streets, including Serrano Avenue.

The applicant is requesting a Main Conditional Use to authorize the sale and consumption of a full line of alcoholic beverages for on-site consumption in conjunction with six restaurant establishments and a full line of alcoholic beverages for off-site consumption in conjunction with one grocery store.

According to submitted plans, 10,000 square feet are anticipated toward restaurant uses and 68,000 square feet toward market uses (including mezzanine). Anticipated restaurant use spaces would be available fronting on both Sunset Boulevard and Western Avenue, while the market use would front on Sunset Boulevard. Individual operators have not been identified for any of the proposed venues.

No comments have been received in opposition to the request for alcoholic beverage availability in conjunction with the development of the project.

The project is located within the C2 zone, which permits a dense mix of office, restaurant, entertainment, cultural, retail, and residential uses. The project's proposed uses would add to the commercial establishments in the area as well as support the residential uses in close proximity to the site. The proposed service of alcohol is typical of establishments of this type and are reasonable to expect in an area that contains commercial uses, including mixed use development. Alcohol sales in conjunction with restaurant establishments and the grocery store would be compatible with and continue to add to the diversification of commercial activities, which further supports the growing residential population in the neighborhood as well as visitors to the area.

The Main Conditional Use request, without more specificity concerning the individual uses, is to evaluate the compatibility between the availability of alcoholic beverages and public dancing with the uses in the surrounding area. This authorization allows up to seven separate venues to offer alcoholic beverages for on- or off-site consumption within the project's restaurant and market spaces. The seven venues are subject to subsequent Main Plan Approval applications, or other approved review as permitted by the Los Angeles Municipal Code, as future individual tenants for specific establishments are identified. At that time, the proposed venue's mode and character, intensity of use, hours of operation, entertainment, security measures, and other operational characteristics can be considered and conditions can be fashioned to appropriately ensure compatibility with the surrounding area.

The addition of alcoholic beverages in conjunction with the proposed mixed-use development is appropriate uses for this area. Thus, the Zoning Administrator finds that, as conditioned, 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.

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

The applicant is requesting a Main Conditional Use to authorize the sale and consumption of a full line of alcoholic beverages for on-site consumption in conjunction with six restaurant establishments and a full line of alcoholic beverages for off-site consumption in conjunction with one grocery store.

The General Plan is the City's roadmap for future growth and development. The General Plan Elements establish goals, policies, purposes, and programs that provide for the regulatory environment in managing the City, and for addressing environmental concerns and problems. The majority of the policies derived from these elements are implemented in the form of Municipal Code requirements. The General Plan is comprised of the Framework Element, seven state-mandated

elements, and four additional elements. The Framework Element establishes the broad overall policy and direction for the General Plan.

The Land Use Element of the City's General Plan divides the City into 35 Community Plans. The subject property is located within the Hollywood Community Plan area. The Community Plan Area Map designates the property for Highway Oriented Commercial land uses, with corresponding zones of C1, C2, P, RAS3, and RAS4. The property is zoned C2-1. The property's zoning is thus consistent with the General Plan's land use designation for the site. The property is also located within Subarea C of the Vermont/Western Transit Oriented District Specific Plan (Station Neighborhood Area Plan).

The Hollywood Community Plan and the Vermont/Western TOD SNAP texts are silent with regards to the sale and dispensing of alcohol. In such cases, the Zoning Administrator must interpret the intent of the Plans. Specifically, the project addresses the following goals and policies of the Community Plan:

Objective 1: To coordinate the development of Hollywood with that of other parts of the City of Los Angeles and the metropolitan area. To further the development of Hollywood as a major center of population, employment, retail services, and entertainment; and to perpetuate its image as the international center of the motion picture industry.

Objective 4: To promote economic well-being and public convenience through:  
a) allocating and distributing commercial lands for retail, service, and office facilities in quantities and patterns based on accepted planning principles and standards.

The property is also within the boundaries of the Hollywood Redevelopment Plan, which identifies the property for Highway Oriented Commercial uses. According to the Plan, Highway Oriented Commercial uses shall generally provide neighborhood-oriented goods and services. Additionally, Section 502 of the Plan provides that "the land uses permitted in the [Redevelopment] Project Area shall be those permitted by the General Plan, the applicable Community Plan, and any applicable City zoning ordinance, all as they now exist or are hereafter amended and/or supplemented from time to time."

The project would be consistent with the following criteria identified in Subsection 506.1: Highway Oriented Commercial Density, of the Hollywood Redevelopment Plan:

1. Promote community revitalization;
2. Conform with the goals and objectives of the Plan;
3. Be compatible with the adjacent residential uses and neighborhood

4. Include, but not limited to, neighborhood-oriented uses such as; professional offices, institutional uses, food markets, laundries, dry cleaners, pharmacies, and other neighborhood retail or service businesses.

Other conditional use authorizations for alcoholic beverage sales within restaurants and markets have been granted in the immediate area.

Alcoholic beverages sales, service, and consumption are permitted uses within the C2 Zone, subject to conditional use approval. Authorizing such use in conjunction with six restaurants and one market is consistent with range of uses typical within developed Highway Oriented Commercial land uses. The overall proposed redevelopment of the site with a mixed-use building, consisting of restaurant, market, commercial, and residential uses, is consistent with the development of Hollywood as a major center of population, employment, retail services, and entertainment, that through its diversity of on-site uses facilitates economic well-being and a public convenience, and is in conformity with the objectives of the Community Plan. The Vermont/Western TOD SNAP is more of a regulatory document and does not contain policies to guide the consideration of alcoholic beverages availability.

Redevelopment of the project site with the proposed mixed used building, including authorizations for alcoholic beverage sales, promotes the revitalization of the property through its redevelopment with more intense uses, in a project that fully conforms with all zoning and specific plan regulations and limitations. As conditioned, prior to operating each authorized venue with alcoholic beverages sales, a Plan Approval review will need to be secured, wherein conditions of approval tailored to the proposed operation of each restaurant and market will be imposed, in order to ensure it is operated compatibly with the surrounding community, in conformity with the Redevelopment Plan.

Thus, for the reasons cited above, the sale of alcoholic beverages, as conditioned, substantially conforms with the purpose, intent and provisions of the General Plan, the applicable community plan, and any applicable specific plan.

#### **Additional Findings for Alcohol**

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

The applicant is requesting a Main Conditional Use to authorize the sale and consumption of a full line of alcoholic beverages for on-site consumption in conjunction with six restaurant establishments and a full line of alcoholic beverages for off-site consumption in conjunction with one grocery store.

The Project Site is located in an urbanized area that includes a mixture of low- and mid-rise buildings occupied primarily by commercial and residential uses. Properties to the north, across Sunset Boulevard, are zoned C2-1 and developed with multi-family residential with ground floor commercial/retail, associated parking, an inn, a theater (Upright Citizens Brigade Theatre) and neighborhood serving retail.

Properties to the south are zoned CM-1 and developed with office uses, a parking structure and a parking lot. Properties to the east, across Serrano Avenue, are zoned C2-1 and R4-2, are also located within Subarea C of the SNAP Specific Plan, and developed with neighborhood-serving commercial/retail uses in the C2-1 zone and multi-family and single-family residential development in the R4-2 zones. Properties to the west, across Western Avenue, are zoned C2-1, are located within Subarea F of the SNAP Specific Plan, and is developed a big-box retail (Target) development along with associated commercial retail/restaurant uses.

In the vicinity of the Project Site, the major arterials such as Sunset Boulevard are generally developed with denser residential and commercial development, while lower density mixed-use and residential areas are located along the adjacent collector streets, including Serrano Avenue.

No comments have been received in opposition to the request for alcoholic beverage availability in conjunction with the development of the project.

The approval of the conditional use will not adversely affect the welfare of the community. The project site is located within a part of Hollywood which has a mix of commercial, office, entertainment, and residential uses and is served by a network of regional transportation facilities. Hollywood is considered a major cultural and entertainment destination in the region and it is not uncommon to have grocery stores, restaurants and bars with alcohol sales which serve a supportive function to the character of the urban environment. The surrounding neighborhood contains similar mixed-use buildings that provide commercial uses which serve alcohol for on-site and off-site consumption and, therefore, the introduction of other similar establishments would not create an adverse or unique condition.

As each venue is more specifically identified, the applicant is required to file a Plan Approval application, wherein the Zoning Administrator will consider the operational details of the venue, and impose tailored conditions to ensure its compatibility with the surrounding area. Imposed conditions related to litter, graffiti, loitering, noise, consultation with LAPD, and STAR (Standardized Training for Alcohol Retailers) training conducted by LAPD or LEAD (Licensee Education on Alcohol and Drugs) training conducted by the Department of Alcoholic Beverage Control are among the conditions likely to be imposed. Further, conditions will be recommended to the Department of Alcoholic Beverage Control for consideration and imposition as part of their licensing process. Both the Conditions of Approval and the requirements of the State Alcoholic Beverage Control agency are intended to protect the public health, welfare and safety of the community. Therefore, the proposed alcohol sales will not adversely affect the welfare of 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.**

The applicant is requesting a Main Conditional Use to authorize the sale and consumption of a full line of alcoholic beverages for on-site consumption in conjunction with six restaurant establishments and a full line of alcoholic beverages for off-site consumption in conjunction with one grocery store.

According to the State of California Department of Alcoholic Beverage Control (ABC) licensing criteria, three on-sale and one off-sale licenses are allocated to subject Census Tract No. 1911.10. At present, there are five active retail licenses, including three for off-site sales (including one issued to the vacated grocery store on the subject property) and two for on-site sales.

According to statistics provided by the Los Angeles Police Department, within Crime Reporting District No. 659, which has jurisdiction over the subject property, a total of 160 crimes were reported in 2021 (102 Part I Crimes and 58 Part II Arrests), as compared to the citywide total average of 149 offenses and a High Crime Reporting District average of 179 crimes for the same reporting period. Of the 58 Part II Arrests reported, there were (12) Narcotic/Drug Law violations, (9) Liquor Law, (0) Public Drunkenness, (0) Disturbing the Peace, (0) Disorderly Conduct, (5) Gambling, (2) Driving Under the Influence, (2) Moving Traffic Violations, and (10) Miscellaneous Other Violations. In addition to these, there were (45) Larceny, (23) Vehicle Thefts, (14) Aggravated Assaults, and (13) Burglary Part I Crimes reported. These numbers do not reflect the total number of arrests in the subject reporting district over the accountable year. Arrests for this calendar year may reflect crimes reported in previous years.

According to information submitted by the applicant, the following establishments, located within a 1,000-foot radius of the project site, offer alcoholic beverages:

- Rincon Oaxaqueno Restaurant      1544 N Western Avenue      Type 41
- White Horse      1532 N Western Avenue      Type 48
- Bills Liquor & Jr. Market      5332-34-36 Sunset Boulevard      Type 21
- Food For Less      5420 Sunset Boulevard      Type 21
- Walgreens      5451 W Sunset Boulevard      Type 20
- Ocha Restaurant      5405 W Sunset Boulevard      Type 41
- Jitlada Thai Restaurant      5233-5233 ½ Sunset Boulevard      Type 41
- Dunes Restaurant      5625 W Sunset Boulevard      Type 47

The number of active on-site ABC licenses within the census tract where the subject site is located exceeds ABC guidelines. Concentration can be undue when the addition of a license will negatively impact a neighborhood. Concentration is not undue when the approval of a license does not negatively impact an area, but rather

such license benefits the public welfare and convenience. The above statistics indicate that the crime rate in the reporting district where the subject site is located is above the citywide average, but below the Citywide High Crime District average. No evidence has been submitted to the record establishing any nexus between the subject site or use and the area's crime rate. No comments from the community at-large were received concerning the concentration of alcoholic-beverage establishments in the area.

Although the number of existing licenses exceeds the number allocated to the subject census tract, the higher number of alcohol-serving establishments is to be expected in an area which functions as a significant commercial district with a variety of commercial uses. The project involves the granting of an application to sell and dispense alcoholic beverages for on-site consumption in conjunction with six anticipated restaurants and alcoholic beverages for off-site consumption in conjunction with an anticipated market/grocery store. Thus, the grant will be an asset to the community and will not adversely affect the community welfare. As a result, the instant grant will not result in an undue concentration of such licenses.

Nevertheless, to safeguard the welfare of the community and provide for a reasonable operation, conditions have been imposed as a part of this approval. Foremost is the requirement to file for and secure a Plan Approval authorization for each venue. As part of each Plan Approval, the specific parameters and operational details of the proposed restaurant or market will be considered and appropriate conditions applied to ensure neighborhood compatibility. Negative impacts commonly associated with the availability of alcohol such as criminal activity, public drunkenness, and loitering are minimized through compliance with public safety measures to mitigate nuisance and criminal activities, such as participation in a STAR/LEAD/RBS Training Program, age verification, security cameras, and staff monitoring, which have been incorporated into the grant by the Zoning Administrator to assure better oversight in conjunction with this approval. The ABC also has discretion to approve an application if there is evidence that normal operations will not be contrary to public welfare and will not interfere with the quiet enjoyment of property by residents. The Zoning Administrator will also make recommendations related to the sale and distribution of alcohol for further consideration by the ABC as conditions on the alcohol license. Those imposed conditions are a necessary and integral part of this action and will require diligent compliance on the part of the applicant for effectiveness. As conditioned, allowing the sale of alcoholic beverages at the subject location will benefit the public welfare and convenience because a successful business supports the economic vitality of the area. Therefore, as conditioned, 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.

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 applicant is requesting a Main Conditional Use to authorize the sale and consumption of a full line of alcoholic beverages for on-site consumption in conjunction with six restaurant establishments and a full line of alcoholic beverages for off-site consumption in conjunction with one grocery store.

According to information submitted by the applicant, within a 1,000-foot radius of the property, the following types of alcoholic beverage services are active:

- (1) Type 20, Beer and Wine, Off-Site Consumption
- (2) Type 21, Full Line Alcohol, Off-Site Consumption
- (3) Type 41, Beer and Wine, Restaurant, On-Site Consumption
- (1) Type 47, Full Line Alcohol, Restaurant, On-Site Consumption
- (1) Type 48, Full Line Alcohol, General Premises, On-Site Consumption

According to information submitted by the applicant, the following sensitive uses are located within a 1,000-foot radius of the site:

- Residential uses are located across the street to the north, east, and within various locations to the south and west.
- Grant Elementary School 1530 N Wilton Place
- Grant Children's Center 1559 St. Andrews Place
- Iglesia Bautista Hispana 1528 N Wilton Place
- Harvard Preschool & Kindergarten 1311 N Harvard Boulevard
- La Mirada Park 5401 La Mirada Avenue
- Holy Transformation Russian Orthodox Church 5432 Fernwood Avenue
- Citizens of the World Charter School 5620 De Longpre Avenue
- Vinewood Community Center 5520 Harold Way
- Assistance League of Los Angeles 1367 N St. Andrews Place

No comments have been received in opposition to the request for alcoholic beverage availability in conjunction with the development of the project.

The proposed restaurant uses would front on Western Avenue or Sunset Boulevard, and the proposed market / grocery store would front on Sunset Boulevard. Both Western Avenue and Sunset Boulevard are major arterials. Properties along Sunset Boulevard are developed with mixed-residential and neighborhood serving retail uses, hotels and a theater as well as other commercial uses. Properties along Western Avenue are developed with neighborhood-serving retail, commercial and office buildings, and residential uses. No alcohol-serving establishments that would front Serrano Avenue or the adjacent property to the south of the property.

Consideration has been given to the distance of the subject establishment from sensitive uses within the vicinity. Moreover, included in this approval are general

conditions that will act to minimize any impacts that might be generated by alcohol serving establishments, including that each individual establishment seeking to utilize a permit to sell alcoholic beverages pursuant to this conditional use approval must secure a Main Plan Approval. The Plan Approval process will allow the Zoning Administrator to tailor conditions specific to each individual venue and impose measures that will minimize potential impacts that might be generated by each establishment seeking to sell alcoholic beverages. At that time, conditions which should protect the health, safety, and welfare of the surrounding neighbors will be imposed. The potential effects of excessive noise or disruptive behavior will be considered and addressed by imposing conditions related to noise and loitering. Numerous other conditions, several of which will be recommended to ABC, will be incorporated into the Plan Approval grant to minimize the potential for adverse effects on the community. Imposition of those conditions will help ensure that the individual establishments associated with the Project remain fully compatible with the community and the surrounding uses. The project is consistent with the zoning and in keeping with the existing uses adjacent to the development and the surrounding area. Therefore, for the reasons given, 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 full line of alcoholic beverages.

### **Project Permit Compliance Findings**

7. **The project substantially complies with the applicable regulations, findings, standards and provisions of the Vermont/Western Transit Oriented District Station Neighborhood Area Plan (SNAP) Specific Plan.**

The subject property is a square-shaped, generally flat lot along Sunset Boulevard between Western Avenue and Serrano Avenue. The Project would replace an existing grocery store, vacant commercial space, fast-food restaurant, and associated parking areas with a new mixed-use development consisting of 735 multi-family residential units and up to 95,000 square feet of neighborhood-serving commercial uses, including market/retail and restaurant uses. The six-story building would reach a maximum height of 75 feet, and contain a total of 882,246 square feet, which would result in an FAR of 3:1. and the Project site is located within the SNAP Specific Plan Subarea C, as well as the Hollywood Redevelopment Plan area.

The Project is not requesting any adjustments and would substantially comply with the SNAP, Subarea C applicable regulations, as well as the Design Standards and Guidelines, as described below.

- a. **Section 6: Land Use Regulations and Designation of Subarea**

**Parks First Program and Park Fees.** The applicant is required to pay a Parks First Trust Fund of \$4,300 for each new residential unit, prior to the issuance of a Certificate of Occupancy. The Project is a mixed-use development

comprised of 735 multi-family residential units, and up to 95,000 square feet of commercial uses. The Project would be required to pay a total of \$3,160,500 into the Parks First Trust Fund. The calculation of the Parks First Trust Fund Fee to be paid or actual park space to be provided pursuant to Parks First Ordinance shall be offset by the amount of any fee pursuant to LAMC Section 17.12 or dwelling unit construction tax pursuant to LAMC Section 17.12 or dwelling unit construction tax pursuant to LAMC Section 12.10.1, et seq. As conditioned, the Project complies with this requirement.

**Free Delivery.** The Project contains 95,000 square feet of commercial uses, and therefore is required to provide a program for free delivery of purchases made at the site by residents living within SNAP's Specific Plan. The program applies to any individual retail unit containing 3,000 square feet or more of retail commercial floor area within the Project Site, for purchases with an aggregate value of at least sixty dollars (\$60.00) made on-site. Therefore, as conditioned, the Project complies with this requirement.

**b. Section 9: Subarea C Community Center**

**Use.** Properties within Subarea C may be developed with R4 residential land uses and C4 commercial land uses. The R4 zone allows one dwelling unit for every 400 square feet of lot area. The C4 zone allows C2 uses, which include commercial retail, restaurant, and grocery store uses. The Project Site is comprised of a lot totaling approximately 294,082 square feet, which would result in an allowable density of 735 dwelling units. The Project proposes 735 multi-family residential dwelling units in a mixed-use building containing approximately 95,000 square feet of commercial retail, restaurant, and grocery store uses and therefore complies with the density and allowable uses of the Specific Plan.

**Height and Floor Area.** The maximum permitted height for a mixed-use project shall not exceed 75 feet. As proposed and conditioned, the maximum building height shall not exceed 75 feet in height and all roof structures, including mechanical rooms, shall be set back at a minimum of ten feet from the roof perimeter and screened from view at street level by a parapet or sloping roof.

The Specific Plan limits the maximum FAR to 3:1 for mixed-use Projects, and limits commercial uses in mixed-use projects to a maximum FAR of 1.5:1. The Project Site is 294,082 square feet, which would allow a total of 882,246 square feet of floor area, and a maximum of 441,123 square feet for commercial uses. The Project proposes up to 95,000 square feet of commercial uses and 787,226 square feet of residential uses, for a total of 882,246 square feet of floor area. The Project complies with the maximum permitted building height and FAR of the Specific Plan.

**Usable Open Space.** Mixed-use project shall contain usable open space in accordance with the standards of Section 12.21 G.2 of the Code, with the following exceptions:

- i. **Above Grade.** Up to 75% of the common or private open space may be located above the grade level or first habitable room level;
- ii. **Roof Decks.** Roof Decks, regardless of the underlying zone, may be used in their entirety as common or private open space, excluding that portion of the roof within 20 feet of the roof perimeter.

The Project proposes a total of 735 dwelling units, including 582 units with less than three habitable rooms, and 153 units with three habitable rooms thereby requiring a total of 77,325 square feet of open space. The Project as shown in Exhibit A will provide 91,606 square feet of open space. Based on the required amount of usable open space for the Project, a minimum of 38,663 square feet must be common open space; the Project is providing 56,235 square feet of common open space. As conditioned, the Project is required to landscape 25 percent of the provided common open space, which is 14,058 square feet. Section 9.D of the SNAP allows up to 75 percent of the common or private open space to be located above the grade level or first habitable room level. The Project will provide 25 percent, or 19,331 square feet, of open space at the first habitable level, in compliance with this regulation.

Common open space will be located on multiple levels throughout the Project. The North Courtyard on Level 3 will contain 31,711 square feet and include the pool deck, cabanas, spa, fire pits, BBQ areas, seating, and artificial turf and planting areas. There are five separate courtyards totaling 24,464 square feet which are generally located in the southern portion of the building, consisting of the following spaces: a 6,293 square foot courtyard on Level 2 that opens towards Serrano Avenue; three u-shaped courtyards opening to the southern driveway/fire lane and connected by a pedestrian path; and a fourth courtyard measuring 2,869 square feet, at the southeast portion of the building, that includes a 1,643 square-foot covered courtyard (not counted towards common open space). Additionally, there is a game room on Level 2, a fitness room on Level 3, and a club room on Level 5.

The Project is also providing 13,031 square feet of covered open space and amenity space throughout the building. Finally, the Project will provide 22,400 square feet of private open space in the form of residential balconies.

**Project Parking Requirements.** The Specific Plan provides minimum and maximum parking standards for residential uses, which differ from the parking requirements of LAMC Section 12.21 A.4(a). The Project is providing automobile parking pursuant to the maximum standards of the Specific Plan: a maximum of one parking space for each dwelling unit having fewer than three habitable rooms, a maximum of one and one-half parking spaces for each dwelling unit having three habitable rooms, a maximum of two parking

spaces for each dwelling unit having more than three habitable rooms, and a maximum of one-half parking space for each dwelling unit as guest parking. Section 9.E.1.c of the Specific Plan states that guest parking shall be provided through shared use of required commercial parking spaces. Based on the number of habitable rooms per dwelling unit type, the Project will provide 1,409 residential parking spaces, which includes 368 guest parking spaces. The Project is required to provide 190 commercial parking spaces based on 95,000 square feet of floor area proposed for commercial uses; however, as per the provisions of the Specific Plan, these will be shared among the 368 guest parking spaces. Therefore, the Project complies with the parking requirements of the Specific Plan.

<b>SNAP Maximum Residential Parking Permitted</b>			
<b>Unit Type</b>	<b>Spaces per Unit</b>	<b>Quantity</b>	<b>No. of Spaces</b>
<b>&lt; 3 Habitable Rooms</b>	<b>1</b>	<b>275</b>	<b>275</b>
<b>= 3 Habitable Rooms</b>	<b>1.5</b>	<b>307</b>	<b>461</b>
<b>&gt; 3 Habitable Rooms</b>	<b>2</b>	<b>153</b>	<b>305</b>
<b>Residential Guest (Shared w/commercial uses)*</b>	<b>0.5</b>	<b>735</b>	<b>368</b>
<b>Total Maximum Required Spaces*</b>			<b>1,409</b>

**Bicycle Parking.** The Vermont/Western Specific Plan requires one-half bicycle parking space per dwelling unit for projects with two or more dwelling units and one bicycle parking space for every 1,000 square feet of commercial floor area for the first 10,000 square feet, and one bicycle parking space for every additional 10,000 square feet of floor area thereafter. The Project proposes a total of 735 residential units and up to 95,000 square feet of commercial floor area and is therefore required to provide 303 residential bicycle parking spaces and 84 commercial bicycle parking spaces, for a total of 387 bicycle parking spaces. The Specific Plan does not specify short-term and long-term bicycle parking ratios; however, since the Specific Plan bicycle parking ratios would produce more spaces than the Municipal Code, short-term and long-term spaces shall be provided at the ratios required by LAMC Section 12.21 A.16. The Project provides the required amount of bicycle parking pursuant to the Specific Plan and the LAMC.

**Commercial Parking.** The Specific Plan requires Projects with commercial uses to provide a maximum number of off-street parking spaces at a ratio of two parking spaces for each 1,000 square feet of combined floor area of commercial uses. Therefore, based on the Project’s 95,000 square feet of commercial uses, 190 commercial parking spaces would be required.

However, as discussed previously, guest parking spaces for residential uses in Mixed-Use Projects shall be provided through a shared use of required commercial parking. Since the Project requires 368 guest parking spaces, the 190 commercial parking spaces would be accommodated therein, and no additional commercial parking spaces would be required. The Project complies with the maximum permitted parking requirements as specified within the SNAP Specific Plan.

**Pedestrian Throughways.** The Specific Plan requires a public pedestrian walkway, throughway, or path for every 250 feet frontage for a project. The Project Site has a street frontage of approximately 570 feet along Sunset Boulevard, 505 feet along Western Avenue, and 505 feet along Serrano Avenue and is therefore required to provide four pedestrian throughways. The Project provides a 20-foot-wide covered pedestrian throughway on the Sunset Boulevard street frontage, oriented north-south, in lieu of two 10-foot-wide pedestrian throughways. The throughway from Sunset Boulevard provides access to the interior of the site and the at-grade shared commercial and guest parking, and intersects the east-west pedestrian throughway located in the center of the Project site. This 10-foot-wide east-west pedestrian throughway will provide access through the site, connecting Western Avenue and Serrano Avenue. The other east-west throughway would be located at the southern edge of the building and is shared with the driveway and fire lane. The pedestrian throughways would be publicly accessible from adjacent sidewalks.

**Yards.** Pursuant to Section 9.H, no front, side or back yards shall be required for the development of any commercial or residential Project on any lot located within Subarea C. The Project is designed to comply with these regulations. Additionally, SNAP Design Standards & Guidelines Section V, Standard No. 6 requires that no building shall exceed a height of 30 feet within 15 feet of the front property line, and that along Sunset Boulevard, the second level is to be setback from the first level by 10 feet. The proposed residential level is setback from the ground floor by 10 feet and the building is designed to conform to these design standards.

**Development Standards.** The Specific Plan requires that new projects be in substantial conformance with the Development Standards and Design Guidelines. Development Standards are legal requirements that address those aspects of site development and building design for which physical specifications can be described. Design Guidelines are strong recommendations that provide direction for more subjective considerations.

#### Development Standards

1. **Landscape Plan.** As shown in Exhibit A, the Project will be adequately landscaped with a variety of trees, medium to large shrubs, small shrubs and groundcovers, grasses, vines, and climbing shrubs,

throughout the Project Site. In addition the Project will provide required street trees along Sunset Boulevard, Western Avenue, and Serrano Avenue. The landscaping and irrigation plans are conceptual at this time. As such, the Applicant will be required to submit final Landscape and Irrigation Plans prepared by a licensed landscape architect. Therefore, as conditioned, the Project complies with this Development Standard.

2. **Usable Open Space.** The Project requires 77,325 square feet of usable open space and is providing 91,606 square feet, which is distributed throughout various courtyards and amenity areas within the Project Site. As shown on page A02b of Exhibit A, all common open space areas, including the courtyards and amenity rooms, will have a minimum dimension of 20 feet and minimum size of 600 square feet. Private decks will have a minimum dimension of six feet. Therefore, as proposed, the Project complies with this Development Standard.

3. **Streetscape Elements.**

**Street Trees.** The Project Site has approximately 570 feet of frontage along Sunset Boulevard and 505 feet along Western and Serrano Avenues. Therefore, the Project is required to provide 19 street trees along Sunset Boulevard and 17 street trees along Western and Serrano Avenues. As proposed, the Project does not provide the required number of street trees, due to the location of driveways, fire lanes, and the pedestrian throughways. Along Sunset Boulevard, 16 trees are proposed in lieu of 19 required; along Western Avenue 9 trees are proposed in lieu of 17 required; and, along Serrano Avenue 11 trees are proposed in lieu of 17 required. A Condition of Approval has been included to require that the Project comply with the development standards to the satisfaction of Bureau of Engineering and Urban Forestry Division.

**Tree Well Covers.** As the plans do not indicate the inclusion of tree wells, a Condition of Approval has been included to require that the Project provide a tree well cover for each new and existing tree in the Project area. Therefore, as conditioned, the Project complies with this Development Standard.

**Bike Racks.** The Development Standards require one bike rack for every 50 feet of street frontage. The Project site has approximately 570 feet of frontage along Sunset Boulevard, and 505 feet along both Western and Serrano Avenue. Therefore, the Project is required to provide eleven bike racks along Sunset Boulevard, ten racks on Western Avenue, and ten racks on Serrano Avenue, for a total of 31 new bike racks. As shown in Exhibit A, the Project proposes to provide

the required bike racks along all street frontages. Therefore, as proposed, the Project complies with this Development Standard.

**Trash Receptacles.** The Development Standards require one trash receptacle be provided in the public right-of-way for every 100 feet of lot frontage along a Major and Secondary Highway. The Project Site has approximately 570 feet of frontage along Sunset Boulevard, and 505 feet along both Western and Serrano Avenue. Therefore, the Project is required to provide six trash receptacles along Sunset Boulevard, five trash receptacles along Western Avenue, and no trash receptacles along Serrano Avenue. As shown in Exhibit A, the Project proposes to provide six trash receptacles along Sunset Boulevard, five trash receptacles along Western Avenue, and five trash receptacles along Serrano Avenue. Therefore, as proposed, the Project complies with this Development Standard.

**Public Benches.** The Development Standards require that one public bench be provided in the public right-of-way for every 250 feet of lot frontage on a Major and Secondary Highway. The Project Site has approximately 570 feet of frontage along Sunset Boulevard, and 505 feet along both Western and Serrano Avenues. Sunset Boulevard is classified as an Avenue I (Secondary Highway), Western Avenue is classified as a Modified Avenue I (Secondary Highway), and Serrano Avenue is classified as a Local Street. Therefore, the Project is required to provide two public benches along Sunset Boulevard, two public benches along Western Avenue, and no public bench along Serrano Avenue. As shown in Exhibit A, the Project proposes three public benches each along each frontage. Therefore, as proposed, the Project complies with this Development Standard.

4. **Pedestrian/Vehicular Circulation.**

**Parking Lot Location.** The Development Standards require that surface parking lots be placed at the rear of structures. The Project does not include any surface parking and includes one at-grade parking area and two levels of subterranean parking, all of which are contained within the building footprint and not visible from the street. Therefore, as proposed, the Project complies with this Development Standard.

**Waiver.** The Director of Planning may authorize a waiver from the requirement to provide parking in the rear of the lot. The Project includes one street level located at the rear portion of the lot and two levels of subterranean parking, all of which are contained within the building footprint and not visible from the street. Therefore, the Project complies with the Development Standard.

**Curb Cuts.** The Development Standards allow one curb cut that is 20 feet in width for every 150 feet of street frontage when a project takes

its access from a major or secondary highway, unless otherwise required by the Departments of Public Works, Transportation, or Building and Safety. The Project Site has approximately 570 feet of frontage along Sunset Boulevard and 505 feet along both Western and Serrano Avenues. Sunset Boulevard is classified as an Avenue I (Secondary Highway), Western Avenue is classified as a Modified Avenue I (Secondary Highway), and Serrano Avenue is classified as a Local Street. The Project proposes one driveway, measuring 20 feet in width, located along the western half of the Project's Sunset Boulevard street frontage; two driveways measuring 20 feet in width along Western Avenue; and three 20-foot-wide driveways along Serrano Avenue. A Condition of Approval has been included to require a traffic safety feature which includes having building staff monitor ingress/egress during loading operations to ensure pedestrian safety.

**Pedestrian Entrance.** The Development Standards require all buildings that front on a major or secondary highway or main commercial street to provide a pedestrian entrance at the front of the building, even when rear public entrances are provided. Sunset Boulevard is classified as an Avenue I (Secondary Highway), Western Avenue is classified as a Modified Avenue I (Secondary Highway), and Serrano Avenue is classified as a Local Street. As such, the frontages along Sunset Boulevard and Western Avenue are subject to this regulation. The Sunset Boulevard frontage provides pedestrian entrances to a residential lobby, and five commercial spaces. The Western Avenue frontage provides pedestrian entrances to a residential lobby and four commercial spaces. Therefore, the Project complies with this Development Standard.

**Design of Entrances.** The Development Standards require that pedestrian walkways, mid-block throughways, arcades, or entrances be located in the center of the façade or symmetrically spaced if there are more than one, and be accented by architectural elements such as columns, overhanging roofs or awnings. The Project proposes a pedestrian entrance along the mid-block of Sunset Boulevard and two pedestrian entrances along Western Avenue and Serrano Avenue that are symmetrically spaced, provide a uniform style by following similar architectural features of the ground floor façade, and have enhanced walkway paving while differentiating the entrances with variations in size. Therefore, as conditioned, the Project complies with this Development Standard.

**Inner Block Pedestrian Walkway.** The Development Standards require that a pedestrian walkway, throughway, or path be provided for every 250 feet of street frontage, from the rear property line to the front property line; that the walkway shall be accessible to the public, have a minimum vertical clearance of 12 feet, and a minimum horizontal

clearance of 10 feet. The Project Site has approximately 570 feet of frontage along Sunset Boulevard, and 505 feet along both Western and Serrano Avenues, and is therefore required to provide two pedestrian throughways for each frontage. As proposed, along Sunset Boulevard, the Project combines two of the required 10-foot-wide pedestrian throughways into one 20 feet wide pedestrian throughway traveling north/south through the Project Site, would maintain a minimum vertical clearance of 12 feet, and a minimum horizontal clearance of 20 feet. The Project also includes two 10-foot wide east/west pedestrian throughways along Western Avenue to Serrano Avenue, which maintain a minimum vertical clearance of 12 feet, and a minimum horizontal clearance of 10 feet. As conditioned, the throughways will remain open to the public during hours of operation for the commercial businesses, and therefore, the Project complies with this Development Standard.

**Speed Bumps.** The Development Standards require speed bumps be provided at a distance of no more than 20 feet apart when a pedestrian walkway and driveway share the same path for more than 50 lineal feet. The Project includes a shared east-west pedestrian throughway and driveway located at the center of the Project and as conditioned, the Project substantially complies with this Development Standard.

5. **Utilities.** The Development Standards require that when new utility service is installed in conjunction with new development or extensive remodeling, all proposed utilities on the project site shall be placed underground. The plans do not indicate the location of utility services. As such, a Condition of Approval has been included to require all proposed utilities on the Project Site to be placed underground. If underground service is not currently available, then provisions shall be made for future underground service. As conditioned, the Project complies with this Development Standard.

6. **Building Design.**

**Stepbacks.** The Development Standards require that no portion of any structure shall exceed more than 30 feet in height within 15 feet of the front property line, and that all buildings with a property line fronting on a Major Highway, including Sunset Boulevard, shall set the second floor back from the first-floor frontage by at least 10 feet. The Project Site has three street frontages: Sunset Boulevard, classified as an Avenue I (Secondary Highway); Western Avenue, classified as a Modified Avenue I (Secondary Highway); and Serrano Avenue, classified as a Local Street. Sunset Boulevard is considered the front property line and is also identified requiring a stepback as a development standard. As shown on Exhibit A, no portion of the buildings fronting on Sunset Boulevard exceed 30 feet in height, within the first 15 feet from the

property lines. The second story of the building fronting along Sunset Boulevard is set back 10 feet from the building's first floor frontage. Therefore, as conditioned, the Project complies with this Development Standard.

**Transparent Building Elements.** The Development Standards require that transparent building elements such as windows and doors occupy at least 50 percent of the ground floor facades on the front and side elevations. The proposed project fronts on Sunset Boulevard to the north, Western Avenue to the west, and Serrano Avenue on the east, and as demonstrated on Exhibit A, the ground floor facade along Sunset Boulevard, Western Avenue, and Serrano Avenue provides a minimum of 50 percent transparent building elements. Therefore, as proposed, the Project complies with this Development Standard.

**Façade Relief.** The Development Standards require that exterior walls provide a break in plane, or a change in material for every 20 feet horizontally and every 30 feet vertically, created by an articulation or architectural detail. As Exhibit A demonstrates, the proposed building provides façade relief through its alternation of building materials, articulation, and architectural form. All elevations provide recessed windows, parapet articulation, plane shift, architectural breaks, and projecting balconies which provide both horizontal and vertical distinctions along the building plane's visual variance. As shown in Exhibit A, the Project complies with this Development Standard.

**Building Materials.** The Development Standards require that building facades be comprised of at least two types of complementary building materials. The buildings will be constructed primarily of stucco, accented by metal balcony railing, glass storefronts, and metal louvers. Therefore, as proposed, the Project complies with this Development Standard.

**Surface Mechanical Equipment.** The Development Standards require that all surface or ground mounted mechanical equipment be screened from public view and treated to match the materials and colors of the building which they serve. Any proposed surface mechanical equipment would be screened from public and treated to match the materials and colors of the building which they serve. The Project complies with this Development Standard.

**Roof Lines.** The Development Standards require that all roof lines in excess of 40 feet are broken up through the use of gables, dormers, plant-ons, cutouts, or other appropriate means. As shown in Exhibit A, the roof line provides incremental breaks by providing a parapet articulation and no roof line exceeds 40 feet in length without providing

a roof line articulation. Therefore, the Project complies with this Development Standard.

7. **Rooftop Appurtenances.** The Development Standards require that all rooftop equipment and building appurtenances shall be screened from public view or architecturally integrated into the design of the building. The Development Standards further state that the screening shall be solid and match the exterior building material, design and color. The mechanical equipment is screened and set back a minimum of 10 feet from the roof parapet. As conditioned, these screens will be constructed with materials and colors that match the roof and/or the exterior building facades. Therefore, as proposed and conditioned, the Project complies with this Development Standard.
8. **Trash and Recycling Areas.** The Development Standards require that trash storage bins be located within a gated, covered enclosure constructed of identical building materials, be a minimum of six feet high, and have a separate area for recyclables. The Project includes trash and recycling areas for both commercial and residential uses located on the ground floor as well as residential trash collection areas on each residential floor level. Therefore, as proposed, the Project complies with this Development Standard.
9. **Pavement.** The Development Standards require that paved areas not used as parking and driveway areas consist of enhanced paving materials such as stamped concrete, permeable paved surfaces, tile, and/or brick pavers. A Condition of Approval requires the Project to provide enhanced paving materials such as stamped concrete, permeable paved surfaces, tile, and/or brick pavers. Therefore, as conditioned, the Project complies with this Development Standard.
10. **On-Site Lighting.** The Project Plans do not provide any details regarding lighting specifications. However, a Condition of Approval has been included to ensure that any new lighting shall meet the on-site lighting standards. Therefore, as conditioned, the Project complies with this Development Standard.
11. **Security Devices.** The Project Plans do not provide any details regarding security devices that will be installed on the Project Site. However, a Condition of Approval has been included requiring all proposed devices to be integrated into the design of the building, concealed and retractable, in the event that security devices are installed in the future. Therefore, as conditioned, the Project complies with this Development Standard.
12. **Hours of Operation.** The Development Standards limit parking garage cleaning and sweeping, and any deliveries or on-site garbage collection to be no earlier than 7:00 a.m. and no later than 8:00 p.m. Monday

through Friday and no earlier than 10:00 a.m. and no later than 4:00 p.m. on Saturdays and Sundays. Therefore, as conditioned, the Project complies with this Development Standard.

13. **Noise Control.** The Development Standards require that any dwelling unit exterior wall including windows and doors having a line of sight to a public street or alley be constructed to provide a Sound Transmission Class of 50 or greater, as defined in the Uniform Building Code Standard No. 3 5-1, 1979 edition, or latest edition. The developer, as an alternative, may retain an acoustical engineer to submit evidence, along with the application of building permit, specifying any alternative means of sound insulation sufficient to reduce interior noise levels below 45dBA in any habitable room. As conditioned, the Project complies with this Development Standard.
14. **Required Ground Floor Uses.** The Development Standards states that for projects located within Subareas C, 100 percent of the street level floor, excluding entrances to upper floors, must be for commercial uses or community facilities up to a depth of 25 feet. Exhibit A demonstrates commercial uses or community facilities along the street level having a minimum depth of 25 feet. As demonstrated on Exhibit A and conditioned, the Project complies with this Development Standard.

#### Design Guidelines

The Project is designed consistent with the intent of the design guidelines. The Project is designed to allow for an active pedestrian experience along the street facing elevations which include Sunset Boulevard, Western Avenue, and Serrano Avenue by providing commercial uses including retail, restaurant and a grocery store with over 50 percent transparency for the building street frontages. The ground plane of the project is defined by commercial uses that consist of metal, glass, and stucco. The upper floors are defined by balconies and extended private decks that include metal guardrails, in addition to providing recessed windows and plaster trim at every level. The building is stepped back from the ground floor along Sunset Boulevard, and the roofline is articulated. The Project includes an accessible courtyard along Sunset Boulevard as well as several pedestrian paseos throughout the site to provide access into the interior of the development as well as across the site.

The Design Guidelines provides extensive guidance related to the placement, type and style of signage to be used for projects. The Guidelines identify appropriate signs for the Specific Plan area to include: wall signs, small projecting hanging signs, awnings or canopy signs, small directory signs, and window signs. The Design Guidelines further stipulate that when a building contains two or more businesses, signs should complement one another in color and shape and be located in the same relative position on each storefront. The Project does not propose any signage as part of this

application; however, as conditioned, should signage be proposed in the future, such signs shall be subject to the Vermont/Western Station Neighborhood Area Plan Specific Plan regulations and Design Guidelines.

The project does not seek any relief or deviation from the requirements of the Specific Plan, and the proposed project is found to be in compliance with the development requirements and limitations of the Plan. Therefore, the Project is in substantial conformance with the SNAP Design Guidelines.

8. **That the project incorporates mitigation measures, monitoring measures when necessary, or alternatives identified in the environmental review which would mitigate the negative environmental effects of the project, to the extent physically feasible.**

The Environmental Impact Report (EIR), Case No. ENV-2017-1084-EIR (State Clearinghouse No. 2017061075), determined that the Project has potentially significant environmental impacts in the following areas: on-site noise and vibration (human annoyance threshold) during construction and cumulative impacts with respect to off-site construction noise. 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 EIR determined that the environmental impacts in the following area are significant and unavoidable: Noise (Construction; Groundborne Noise and Vibration Human Annoyance - Construction) and cumulative impacts with respect to on- and off-site construction noise. In order to approve the project with significant unmitigated impacts, the City adopts a 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 finds that each of the project's benefits outweigh and override the significant unavoidable impacts relating to noise and vibration identified above.

The mitigation measures identified for the Project are included in the certified EIR. The final mitigation measures for the Project are described in the Mitigation Monitoring Program (MMP). Each of the mitigation measures identified in the MMP are 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. Therefore, the Project incorporates mitigation measures, monitoring of measures when necessary, or alternatives identified in the environmental review which would mitigate the negative environmental effects of the Project, to the extent physically feasible.

## **Site Plan Review Findings**

9. **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 Los Angeles General Plan sets forth goals, objectives and programs that guide both Citywide and community specific land use policies. The General Plan is comprised of a range of State-mandated elements, including, Land Use, Transportation, Noise, Safety, Housing, and Conservation. The City's Land Use Element is divided into 35 community plans that establish parameters for land use decisions within those sub-areas of the City.

The Project is in conformity with the following Elements of the General Plan: Framework Element, Housing Element, Mobility Element and the Land Use Element – Hollywood Community Plan, and the Hollywood Redevelopment Plan.

### **Framework Element**

The Citywide General Plan Framework Element is a guide for communities to implement growth and development policies by providing a comprehensive long-range view of the City as a whole. The Element establishes categories of land use that are broadly described by ranges of intensity/density, heights, and lists of typical uses. The definitions reflect a range of land use possibilities found in the City's already diverse urban, suburban, and rural land use patterns. The Citywide General Plan Framework text defines policies related to growth and includes policies for land use, housing, urban form/neighborhood design, open space/conservation, economic development, transportation, and infrastructure/public services. The proposed Project is in conformance with following goals of the Framework as described below.

### **Chapter 3: Land Use**

***Objective 3.1: Accommodate a diversity of uses that support the needs of the City's existing and future residents, businesses, and visitors,***

***Objective 3.2: To provide for the spatial distribution of development that promotes an improved quality of life by facilitating a reduction of vehicle trips, vehicle miles traveled, and air pollution.***

***Policy 3.2.4: Provide for the siting and design of new development that maintains the prevailing scale and character of the City's stable residential neighborhoods and enhance the character of commercial and industrial districts.***

***Objective 3.4: Encourage new multi-family residential, retail commercial, and office development in the City's neighborhood districts, community, regional, and downtown centers as well as along primary transit corridors/boulevards, while at the same time conserving existing neighborhoods and related districts.***

**Policy 3.4.1:** *Conserve existing stable residential neighborhoods and lower-intensity commercial districts and encourage the majority of new commercial and mixed-use (integrated commercial and residential) development to be located (a) in a network of neighborhood districts, community, regional, and downtown centers, (b) in proximity to rail and bus transit stations and corridors, and (c) along the City's major boulevards, referred to as districts, centers, and mixed-use boulevards, in accordance with the Framework Long-Range Land Use Diagram.*

**Objective 3.7:** *Provide for the stability and enhancement of multi-family residential neighborhoods and allow for growth in areas where there is sufficient public infrastructure and services and the residents' quality of life can be maintained or improved.*

**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.*

**Policy 3.9.1:** *Accommodate the development of community-serving commercial uses and services and residential dwelling units in areas designated as Community Center.*

**Objective 3.10:** *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.*

**Objective 3.13:** *Provide opportunities for the development of mixed-use boulevards where existing or planned major transit facilities are located and which are characterized by low-intensity or marginally viable commercial uses with commercial development and structures that integrate commercial, housing, and/or public services.*

**Objective 3.15:** *Focus mixed commercial/residential uses, neighborhood-oriented retail, employment opportunities, and civic and quasi-public uses around urban transit stations, while protecting and preserving surrounding low-density neighborhoods from the encroachment of incompatible land-uses.*

**Policy 3.15.3:** *Increase the density generally within on quarter mile of transit stations, determining appropriate locations based on consideration of the surrounding land use characteristics to improve their viability as new transit routes and stations funded.*

**Objective 3.16:** *Accommodate land uses, locate and design buildings, and implement streetscape amenities that enhance pedestrian activity.*

***Policy 3.16.2:*** *Locate parking in pedestrian districts to the rear, above, or below the street-fronting uses.*

***Policy 3.16.3:*** *Require that the ground floor of parking structures located along primary street frontages in pedestrian-oriented districts be designed to promote pedestrian activity and, where appropriate, incorporate retail uses.*

The Framework Element establishes land use categories whose locations are depicted on the Long-Range Land Use Diagram. These categories are broadly described by ranges of intensity, density, height, and use. The Project Site is designated by the Framework Element as a Community Center which is intended to serve as a focal point for surrounding residential neighborhoods, containing a diversity of uses such as small offices and overnight accommodations, cultural and entertainment facilities, schools and libraries, in addition to neighborhood-oriented services.

The Project involves the construction of a six-story, mixed-use development comprised of 735 dwelling units and up to 95,000 square feet of ground floor commercial uses. The Project Site is approximately 0.25 miles south of the Metro B (Red) Line station located at the corner of Hollywood Boulevard and Western Avenue. There is also a bus stop located at the southeast corner of Sunset Boulevard and Western Avenue adjacent to the Project Site. Public transportation services from this stop include Metro's Local Bus Line routes 2, 4, 175, 180/181, 206, and 207; Metro's Rapid Bus Line includes routes 704, 757, and 780; Metro's Limited Bus Line route 302; and LADOT's DASH Hollywood and Commuter Express Route 222.

The Project will not only concentrate residential and commercial development on existing commercial corridors adjacent to public transit but will increase the amount of pedestrian activity and enhance pedestrian safety by introducing ground floor, neighborhood-serving restaurants, retail and a grocery store uses. The Project will also incorporate streetscape amenities such as street trees, short-term bicycle parking, and public benches in an area that is currently dominated by limited shade and rest areas for pedestrians. By increasing opportunities for employees and residents to live near jobs, amenities, and transit, the Project would be consistent with the Land Use Chapter of the Framework Element.

#### *Chapter 4: Housing*

The main goal of the Housing chapter of the Framework Element is to provide for an equitable distribution of housing opportunities by type and cost accessible to all residents of the City.

***Objective 4.1:*** *Plan the capacity for and develop incentives to encourage production of an adequate supply of housing units of various types within each City subregion to meet the projected housing needs by income level of the future population.*

**Policy 4.1.1:** *Provide sufficient land use and density to accommodate an adequate supply of housing units by type and cost within each City subregion to meet the twenty-year projections of housing needs.*

**Objective 4.2:** *Encourage the location of new multi-family housing development to occur in proximity to transit stations, along some transit corridors, and within some high activity areas with adequate transitions and buffers between higher-density developments and surrounding lower-density residential neighborhoods.*

The Project would replace an existing commercial development and associated parking lot with 735 residential dwelling units, and approximately 95,000 square feet of ground floor commercial uses. The Project includes a range of residential unit types and sizes, with a mix of 275 studios, 307 one-bedroom, and 153 two-bedroom units. The development would provide market-rate housing that includes different unit types ranging from 525 to 1,228 square feet in floor area. The Housing Chapter encourages more housing units to accommodate the City's projected growth and envisions a variety of unit types and sizes and amenities that can satisfy the needs and demand of people of all income levels, races, and ages. The Housing Element indicates that not only are more housing units needed to accommodate the City's growth, but that these units need to be a broader array of typologies to meet evolving household types and sizes. The Project is located approximately 0.25 miles south of the Metro B Line (Red Line) Hollywood/Western Station and there are various local and regional bus line options within the vicinity. Therefore, the Project would be consistent with the Housing Chapter of the Framework Element.

#### Chapter 5: Urban Form and Neighborhood Design

The Urban Form and Neighborhood Design chapter of the Framework Element provides design objectives and policies intended to foster a livable City for existing and future residents, one that is attractive to future investment, a City of interconnected, diverse neighborhoods that builds on the strengths of those neighborhoods, and functions at both the neighborhood and citywide scales. The Urban Form and Neighborhood Design chapter recognizes that this approach is best addressed at the community and neighborhood levels through locally prepared plans that build on each neighborhood's attributes, emphasize quality of development, and provide or advocate "proactive" implementation programs.

**Objective 5.9:** *Encourage proper design and effective use of the built environment to help increase personal safety at all times of the day.*

**Policy 5.9.1:** *Facilitate observation and natural surveillance through improved development standards which provide for common areas, adequate lighting, clear definition of outdoor spaces, attractive fencing, use of landscaping as a natural barrier, secure storage areas, good visual connections between residential, commercial, or public environments and grouping activity functions as child care or recreation areas.*

***Policy 5.9.2:*** Encourage mixed-use development which provides for activity and natural surveillance after commercial business hours through the development of ground floor retail uses and sidewalk cafes.

As a mixed-use development, there will be residents and patrons on-site at all times of the day, providing community surveillance, as well as adequate lighting around the proximity of the building and clear definition of commercial and residential spaces. The proposed project replaces a supermarket and commercial shell and free-standing fast-food restaurant building that are both surrounded by surface parking lots. The Project features a north-south pedestrian throughway accessed mid-block along Sunset Boulevard and two east-west pedestrian throughways from Western Avenue to Serrano Avenue, allowing pedestrian and vehicular circulation through the Project Site during hours of operation. Finally, the Project is required to provide 50 percent transparent elements along the ground floor facades fronting Sunset Boulevard, Western Avenue, and Serrano Avenue to facilitate a visual connection between the commercial uses and the public environment. The pedestrian-oriented design elements, active commercial uses, and public and outdoor open space areas facilitate pedestrian activity, observation, and surveillance, the Project would be consistent with Urban Form and Neighborhood Design Chapter of the Framework Element.

### **Housing Element**

The City's Housing Element for 2021-2029 was adopted by City Council on June 14, 2022. The Proposed Project would be in conformance with following goals of the Housing Element as described below.

***Objective 1.1:*** Forecast and plan for existing and projected housing needs over time with the intention of furthering Citywide Housing Priorities.

***Policy 1.1.2:*** Plan for appropriate land use designations and density to accommodate an ample supply of housing units by type, cost, and size within the City to meet housing needs, according to Citywide Housing Priorities and the City's General Plan.

***Policy: 1.1.4:*** Plan for and provide sufficient services and amenities to support the existing and planned population.

***Policy 1.1.6:*** Allocate citywide housing targets across Community Plan areas in a way that seeks to address patterns of racial and economic segregation, promote jobs/ housing balance, provide ample housing opportunities, and affirmatively further fair housing.

***Objective 1.2:*** Facilitate the production of housing, especially projects that include Affordable Housing and/or meet Citywide Housing Priorities.

**Policy 1.2.2:** *Facilitate the construction of a range of different housing types that addresses the particular needs of the city's diverse households.*

**Objective 3.1:** *Use design to create a sense of place, promote health, foster community belonging, and promote racially and socially inclusive neighborhoods.*

**Policy 3.1.2:** *Promote new development that furthers Citywide Housing Priorities in balance with the existing architectural and cultural context.*

**Policy 3.1.3:** *Develop and implement design standards that promote quality residential development.*

**Policy 3.1.4:** *Site buildings and orient building features to maximize benefit of nearby amenities and minimize exposure to features that may result in negative health or environmental impacts.*

**Policy 3.1.5:** *Develop and implement environmentally sustainable urban design standards and pedestrian-centered improvements in development of a project and within the public and private realm such as shade trees, parkways and comfortable sidewalks.*

**Policy 3.1.7:** *Promote complete neighborhoods by planning for housing that includes open space, and other amenities.*

**Objective 3.2:** *Promote environmentally sustainable buildings and land use patterns that support a mix of uses, housing for various income levels and provide access to jobs, amenities, services and transportation options.*

**Policy 3.2.1:** *Promote the integration of housing with other compatible land uses at both the building and neighborhood level.*

**Policy 3.2.2:** *Promote new multi-family housing, particularly Affordable and mixed-income housing, in areas near transit, jobs and Higher Opportunity Areas, in order to facilitate a better jobs-housing balance, help shorten commutes, and reduce greenhouse gas emissions.*

**Policy 3.2.5:** *Promote and facilitate the reduction of water, energy, carbon and waste consumption in new and existing housing.*

**Policy 3.2.9:** *Consider accommodating new residential uses, including live/work and mixed use, in less-productive industrial, office, and commercial areas when the site can accommodate housing in keeping with citywide industrial land, jobs-housing and jobs preservation priorities, and when sites have been appropriately tested and remediated, if necessary.*

The Project will replace an existing grocery store, vacant commercial space, fast-food restaurant, and associated parking areas within the Project Site with a new mixed-use development consisting of 735 multi-family residential units and up to 95,000 square feet of neighborhood-serving commercial uses, including grocery store, retail and restaurant uses. The Project Site is located approximately 0.25 miles south of the Metro B Line (Red Line) Hollywood/Western Station and is near several local and regional bus lines. The Housing Element encourages more housing units to accommodate the City's projected growth, and also envisions a variety of unit types and sizes and amenities that can satisfy the needs and demand of people of all income levels, races, and ages.

The Housing Element indicates that not only are more housing units needed to accommodate the City's growth, but that these units need to be a broader array of typologies to meet evolving household types and sizes. The Project site is zoned C2-1, is located within the Hollywood Community Plan, within Subarea C of the SNAP Specific Plan, and is developed with neighborhood-serving commercial/retail uses. Neighboring properties to the north, across Sunset Boulevard, are zoned C2-1 and are developed with multi-family residential with ground floor commercial/retail, and associated parking, an inn, a theater and neighborhood serving retail. Neighboring properties to the east, across Serrano Avenue, are zoned C2-1 and R4-2 and are also located within Subarea C of the SNAP Specific Plan. The C2-1 zoned portion of the property is developed with neighborhood-serving commercial/retail uses and the R4-2 zoned portion of the property includes multi-family and single-family residential development. Neighboring properties to the south are zoned CM-1 and includes office uses, a parking structure and a surface parking lot. The neighboring property to the west, across Western Avenue, is zoned C2-1, located within Subarea F of the SNAP Specific Plan, and is developed with retail uses within a building measuring approximately 75 feet in height. Given the surrounding context, the Project remains consistent with new, denser, mixed-use development in the area, while preserving the existing low to mid-rise scale.

Further, the Project will offer a range of residential unit types and sizes, with a mix of 275 studios, 307 one-bedroom, and 153 two-bedroom units in addition to 95,000 square feet of commercial floor area, providing on-site job opportunities. To ensure the livability of these housing units, the Project proposes 91,606 square feet of open space (77,325 is required) for residents, including courtyards, a pool deck, roof deck, fitness room, club room, game room, barbeque areas and private balconies. The Project also includes retail and restaurant spaces, and a grocery store. By providing different unit types ranging from 525 to 1,228 square feet, the Project would promote a mixed-use community in close proximity to transit. Therefore, the Project would be consistent with the Housing Element.

### **Mobility Element**

The Mobility Plan 2035 includes goals that define the City's high-level mobility priorities. The Mobility Element sets forth objectives and policies to establish a citywide strategy to achieve long-term mobility and accessibility within the City of Los

Angeles. The Project would be in conformance with following goals of the Mobility Element as described below.

Chapter 3: Access for All Angelenos

**Objective:** *Ensure that 90 percent of households have access within one mile to the Transit Enhanced Network by 2035.*

**Policy 3.3:** *Promote Equitable land use decisions that result in fewer vehicle trips by providing greater proximity and access to jobs, destinations, and other neighborhood services.*

**Policy 3.5:** *Support “first-mile, last-mile solutions” such as multi-modal transportation services, organizations, and activities in the areas around transit stations and major bus stops to maximize multi-modal connectivity and access for transit riders.*

**Policy 3.7:** *Improve transit access and service to major regional destinations, job centers, and inter-modal facilities.*

**Policy 3.8:** *Provide bicyclists with convenient, secure and well-maintained bicycle parking facilities.*

Chapter 5: Clean Environments and Healthy Communities

**Objective:** *Decrease VMT per capita by 5% every five years, to 20% by 2035.*

**Policy 5.2:** *Support ways to reduce vehicle miles traveled (VMT).*

The Project is a pedestrian-oriented, mixed-use development that provides a range of market-rate housing types, commercial uses including restaurants and a grocery store, and is located in close in proximity to several transit options. The Project Site is located within approximately 0.25 mile of the Metro Hollywood/Western B Line (Red Line) Station with connecting service to various rail lines, including the Metro L (Gold), E (Expo), and D (Purple) Lines, Amtrak passenger rail, and Metrolink commuter rail; and several Metro Bus lines. These transit stations will provide access to employment centers and jobs, local and regional destinations, and other neighborhood services for Project residents. The Project will allow for reduction of vehicle trips by placing high density residential uses within proximity to public transit which provides easy access to work opportunities and essential services, and proximity to other existing retail and amenities along Sunset Boulevard, Western Avenue, and Serrano.

The availability of transit options along the commercial corridors of Western Avenue and Sunset Boulevard creates greater mobility and reduces the need for use of personal vehicles. Furthermore, the location of the ground floor residential lobby and commercial uses will facilitate a pedestrian-oriented environment by providing transparency at the street level, and activating the streets with greater pedestrian activity, as residents will be encouraged to walk and use public transit. In addition,

the Mobility Plan incorporates the complete streets principles to accommodate all modes of transportation including foot traffic and bicyclists. The Project provides a total of 387 bicycle parking spaces within convenient, secure, and easily accessible parking facilities including controlled-access long-term bike parking on street Level P-1 along Serrano Avenue and short-term bike parking located on Sunset Boulevard, Western Avenue, and Serrano Avenue. As such, the Project conforms to the goals, objectives, and policies of the Mobility Element.

### **Land Use Element – Hollywood Community Plan**

The Hollywood Community Plan was adopted by the City Council on December 13, 1988. 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 would be in conformance with following goals of the Land Use Element as described below.

***Objective 1:*** *To further the development of Hollywood as a major center of population, employment, retail services, and entertainment [...].*

***Standards and Criteria:*** *New apartments should be soundproofed and provided with adequate usable open space at a minimum ratio of 100 square feet per dwelling unit excluding parking areas, driveways and the required front yard setback.*

***Objective 3:*** *To make provision for the housing required to satisfy the varying needs and desires of all economic segments of the Community, maximizing the opportunity for individual choice.*

The Hollywood Community Plan designates the Project Site for Highway Oriented Commercial land uses, with corresponding zones of C1, C2, P, RAS3, and RAS4. The property is zoned C2-1. The Project Site is located within Subarea C Community Center of the Vermont/Western Transit Oriented District Specific Plan, a Station Neighborhood Area Plan (SNAP), which allows uses permitted by C4 and R4 Zones. Based on the lot area, the Project Site allows for 735 units by-right. The Project includes 275 studio units, 307 one- bedroom units, and 153 two-bedroom units ranging in square footage from 525 to 1,228 square feet. The project proposes no deviation or seeks any relief from the developmental regulations, requirements, and limitations of the Zone Code or SNAP.

The Project proposes a mixed-use development within approximately 0.25 miles from the Metro B Line (Red Line) Hollywood/Western Station and various bus routes, connecting the Project Site to other regional and local destinations as well as employment centers and retail services. The Project will contribute to the Hollywood area as a medium- to high- density, mixed-use development that provides housing, employment, and retail/ commercial services for residents and visitors of the area. Furthermore, in compliance with the SNAP Specific Plan, the Project has been conditioned to provide a Sound Transmission Class of 50 or greater, as defined in

the Uniform Building Code Standard No. 35-1, 1979 edition, or latest edition, for any dwelling units with their exterior wall having a line of sight to a public street or alley. This will meet the Standards and Criteria of the Hollywood Community Plan to soundproof new residential units. In addition, the Project would provide 91,607 square feet of usable open space, in compliance with LAMC Section 12.21 G, in the form of courtyards, pool deck, fitness room, game room, and club, in addition to residential balconies. As proposed, and conditioned, the Project conforms to the goals, objectives, and policies of the Hollywood Community Plan.

### **Hollywood Redevelopment Plan Consistency**

In addition to achieving the objectives of the Hollywood Community Plan, the Project would also support and be consistent with the following goals identified in the Hollywood Redevelopment Plan:

3. *Promote a balanced community meeting the needs of the residential, commercial, industrial, arts and entertainment sectors.*
9. *Provide housing choices and increase the supply and improve the quality of housing for all income and age groups, especially for persons with low and moderate incomes; and to provide home ownership opportunities and other housing choices which meet the needs of the resident population.*
10. *Promote the development of sound residential neighborhoods through mechanisms such as land use, density and design standards, public improvements, property rehabilitation, sensitive in-fill housing, traffic and circulation programming, development of open spaces and other support services necessary to enable residents to live and work in Hollywood.*
14. *Promote and encourage development of recreational and cultural facilities and open spaces necessary to support attractive residential neighborhoods and commercial centers.*

In addition to not exceeding an FAR of 3:1 as regulated in Subsection 506.1, the Project would also support and be consistent with the following criteria identified in subsection 506.1: Highway Oriented Commercial of the Hollywood Redevelopment Plan:

- 1) Promote community revitalization;
- 2) Conform with the goals and objectives of the Plan; and
- 3) Be compatible with the adjacent residential uses and neighborhood;
- 4) Include, but not be limited to, neighborhood oriented uses such as; professional offices, institutional uses, food markets, laundries, dry cleaners, pharmacies and other neighborhood retail or service businesses;

The Project includes 735 multi-family dwelling units, and up to 95,000 square feet of neighborhood-serving commercial uses, including a grocery store, retail, and restaurant uses. As a mixed-use development, the Project provides for activity and natural surveillance during and after commercial business hours. The ground floor commercial uses would activate Sunset Boulevard and Western Avenue, while the residential units are oriented outward, providing eyes on the street during all hours of the day to create a safer environment for residents, workers, and visitors to the area. The Project will provide 275 studio apartments, 307 one-bedroom units, and 153 two-bedroom units. This would help meet the critical demand for new housing in the Plan area.

The Project would result in the creation of new housing and commercial uses within 0.25 miles of the Hollywood/Western Metro Station, and would provide street trees, and storefronts which encourage walking and bicycle riding, thereby activating the streetscape to support an inviting and pedestrian-oriented environment. In addition, the Project would reduce vehicle trips and vehicle miles traveled due to the Project's pedestrian-orientated design, bicycle access and infrastructure, and proximity to rail and bus transit, commercial uses, entertainment uses, amenities, and jobs. The Project design, mix of uses, and intensity will also contribute to the intended character of the Highway Oriented Commercial land use, and would be compatible with the adjacent residential uses and neighborhood, while locating new residents and jobs within an established mixed-use area.

The Project as proposed would be consistent with the goals of the Redevelopment Plan by providing new housing units in varying unit arrangements, and new commercial and restaurant uses, including a grocery store on a site well served by and in close proximity to transit.

#### Hollywood Redevelopment Plan Conformance Findings

In addition to achieving the consistency with the Hollywood Redevelopment Plan, the Project would also support and comply with the criteria identified in the following Subsections of the Hollywood Redevelopment Plan:

**Section 501** of the Redevelopment Plan states that the Lead Agency shall submit each design for development and the urban design plan referred to in Section 506.2.1 of this Plan to the Planning Commission for its review and recommendation prior to adoption thereof by the Agency. As of November 11, 2019 the Department of City Planning has been charged with land use authority for the Hollywood Community Redevelopment Area (CRA), and the Zoning Administrator shall take action on behalf of the Agency. Therefore, the Project would comply with Section 501 of the Redevelopment Plan.

**Section 502** of the Redevelopment Plan states that notwithstanding anything to the contrary in this Plan, the land uses permitted in the Project Area shall be those permitted by the General Plan, the applicable Community Plan, and any applicable City zoning ordinance, all as they now exist or are hereafter amended and/or supplemented from time to time. As referenced in Section 505, any Project Site land

use designations provided by the Redevelopment Plan maybe be supplemented by applicable designations and regulations in both the Hollywood Community Plan and the Vermont/Western SNAP Specific Plan. The proposed project seeks no deviation or relief from the regulations, requirements, or limitations of the Zone Code or SNAP Specific Plan. As the Project complies with the Community Plan and Specific Plan, the Project would comply with Section 502 of the Redevelopment Plan.

**Section 503** of the Redevelopment Plan describes the purpose and intent of Designs for Development that may be adopted; however, no Design for Development standards are currently applicable. Therefore, this Section does not apply.

**Section 504** of the Redevelopment Plan states that no zoning variance, conditional use permit, building permit, demolition permit or other land development entitlement shall be issued unless the application has been reviewed and determined to be in conformance with the Redevelopment Plan and any applicable design standards. As set forth in these findings, the Project is in conformance with the Redevelopment Plan, and a conditional use request has been considered and determined to be in conformance with the applicable land use plans. Therefore, the Project would comply with Section 504 of the Redevelopment Plan.

**Section 506** identifies specific uses which are necessary to support the residential population of Hollywood, as well as specific uses which are traditional or indicative of Hollywood. The uses identified by the Redevelopment Plan include essential neighborhood services which support residential areas as pharmacies and food markets, while traditional uses such as restaurants, theaters and bookstores. The Project includes proposed grocery store and restaurant uses, which both support nearby residential neighborhoods and residential uses. Additionally, Section 506 includes a definition of FAR and Land Use designations which are consistent with the Community Plan, and LAMC, and were applied consistently to the Project. Therefore, the Project would comply with Section 506 of the Redevelopment Plan.

**Section 506.1** indicates intensity and concentration of uses intended for the Highway Oriented Commercial designation in Section 506.1. The Redevelopment Plan indicates that commercial uses should provide neighborhood-oriented goods and services, as well as indicating FAR limitations of 3:1. The Project proposed a mixed-use residential and commercial development with a 3:1 FAR. Therefore, the Project would comply with Section 506.1 of the Redevelopment Plan.

**Section 510** requires all construction and development to conform to applicable State and City laws and regulations. The Project would be required to conform to applicable regulations through the entitlement and permitting process. Therefore, the Project would comply with Section 510 of the Redevelopment Plan.

**Sections 513 and 514** identify the number of buildings and dwelling units anticipated to be developed within the Redevelopment Project area. As determined by the City as lead agency, the development of the Project is consistent with Citywide growth projections and is therefore consistent with these sections. Therefore, the Project would comply with Sections 513 and 514 of the Redevelopment Plan.

**Section 515** limits the type, size, and height of buildings as regulated by State and City law. The Project proposes a mixed-use, podium-style building with a maximum building height of 75 and a total maximum floor area ratio of 3:1 FAR, in conformance with the Vermont/Western SNAP Specific Plan. Therefore, the Project would be consistent with the applicable City and State laws and regulations for the Project Site. Therefore, the Project would comply with Section 515 of the Redevelopment Plan.

**Section 516** addresses signs and billboards; the Project does not propose signage at this time, and future proposed signage will be reviewed by the City for conformance with all applicable regulations including applicable design guidelines, such as the Vermont/Western SNAP Design Guidelines. Therefore, the Project would comply with Section 516 of the Redevelopment Plan.

**Section 519** of the Redevelopment Plan pertains to regulations regarding parking within setbacks, and setback landscaping. All parking associated with the Project would be located within one at-grade and two subterranean levels of parking, which would not be visible from the public right-of-way. In addition, the Project is built to the property lines, and consequently, no setback landscaping is proposed. Therefore, the Project would comply with Section 519 of the Redevelopment Plan.

**Section 520** of the Redevelopment Plan pertains to incompatible uses. The City as lead agency has determined that the Project will be compatible with the surrounding areas and buildings. The Vermont/Western SNAP Specific Plan supersedes the LAMC wherever the Specific Plan contains provisions which require or permit greater or lesser controls on development. Neighboring properties are developed with neighborhood-serving retail, commercial and market uses, theatre, and single- and multi-family residential developments, including the adjacent Target retail store at a height of 75 feet, and the proposed development at the northwest corner of Sunset Boulevard and Western Avenue, which is permitted a height of 95 feet. As such, the Proposed Project would be entirely similar in scale to neighboring properties. Therefore, the Project would comply with Section 520 of the Redevelopment Plan.

**Vermont/Western Transit Oriented District Specific Plan (Station Neighborhood Area Plan)**

The Vermont/Western TOD Specific Plan (SNAP) was adopted by the City Council on January 23, 2001 (Ordinance No. 173,749) and became effective on March 1, 2001. As part of the SNAP, Development Standards and Design Guidelines were also adopted by the City Planning Commission on August 10, 2000. A subsequent Ordinance No. 184,414, amending Ordinance No. 173,749 was adopted by the City Council on July 1, 2016 and became effective on July 7, 2016. The Project meets the following purposes of the SNAP:

- C. *Establish a clean, safe, comfortable, and pedestrian oriented community environment for residents to shop in and use the public community services in the neighborhood;*

- E. Guide all development, including use, location, height and density, to assure compatibility of uses and to provide for the consideration of transportation and public facilities, aesthetics, landscaping, open space and the economic and social well-being of area residents;*
- G. Create a transit friendly area by requiring conformance to pedestrian oriented design guidelines that establish building façade treatments, landscape standards, criteria for shade-producing building overhangs and awnings, street lighting and security lighting for streets, alleys, sidewalks and other pedestrian areas that adjoin new development;*
- H. Promote increased flexibility in the regulation of height and bulk of buildings as well as the design of sites and public streets in order to ensure a well-planned combination of commercial residential uses with adequate open space.*

The Project that would replace an existing grocery store, vacant commercial space, fast-food restaurant, and associated parking areas with a new mixed-use development consisting of 735 multi-family residential units comprising of up to 787,246 square feet and up to 95,000 square feet of ground floor neighborhood-serving commercial uses, including a grocery store, retail and restaurant uses. The six-story, maximum 3:1 FAR building would reach a maximum height of 75 feet. The Applicant is not requesting any deviations or relief from the Specific Plan, and would comply with the SNAP Subarea C, development regulations and limitations, including FAR, height, building setback, open space, landscaping, pedestrian thoroughway requirements, and public right of way amenities including street trees, bicycle racks, trash receptacles and benches; and with the SNAP Development Standards and Design Guidelines.

- 10. 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, that is or will be compatible with existing and future development on adjacent properties and neighboring properties.**

The Project includes the demolition of an existing grocery store, vacant commercial space, fast-food restaurant, and associated parking areas, and the construction, use and maintenance of a new mixed-use development consisting of 735 multi-family residential units and up to 95,000 square feet of neighborhood-serving commercial uses, including a grocery store, retail and restaurant uses. The Project would comprise 882,246 square feet of floor area on a 6.75-acre site, a total maximum floor area ratio (FAR) of approximately 3:1, with a maximum building height of 75 feet.

The Project Site is located in an urbanized area and surrounded by a mix of land uses that include multi-family residential and commercial, ranging from low-rise to medium-rise buildings, which are physically separated from the Project Site by secondary, collector, and local streets. Properties located to the north are developed with a five-story mixed use building, and single-story commercial buildings.

Properties to east are developed with single- and multi-story multi-family residential, as well as single-story commercial buildings. Properties to the south are developed with a four-story parking garage and an office building of the same approximate height as the parking garage. Properties to the west are developed with a multi-story commercial retail building which is approximately 75 feet in height. As proposed, the project seeks no deviation or relief from the regulations, requirements, or limitations of the applicable Zone Code or Specific Plan.

Building Design. The Project consists of a single, podium-style structure with four building elements primarily oriented towards Sunset Boulevard and Western Avenue, featuring a publicly accessible courtyard and north-south covered paseo in the approximate center of the Sunset Boulevard façade, and two east-west paseos and vehicular entrances on Western Avenue, flanked by ground floor retail. The building design features a pedestrian-oriented ground floor, with the Sunset Boulevard and Western Avenue frontages lined with commercial retail and restaurant uses, and a grocery store at the northeast corner of the building. Parking for the project is located in two subterranean levels and one at-grade level, all screened from the public right-of-way by the building. Further enhancing the pedestrian environment on the ground floor are two pedestrian paseos: one north-south covered paseo from Sunset Boulevard to the center of the building; one east-west covered paseo located at the building's approximate center that runs the width of the Project site from Western Avenue to Serrano Avenue; and a third uncovered pedestrian pathway running through the Project site from east to west along the southern portion of the building.

The mixed-use building's design would be consistent with the design policies and regulations set forth in the Vermont/Western SNAP Specific Plan and Citywide Design Guidelines. The contemporary building elevations utilize a variety of architectural features, building materials and changes in depth to break up massing and create a consistent architectural theme for the development. At the ground floor level, the commercial and residential entrances are oriented to the sidewalk, with aluminum framing around floor-to-ceiling glass commercial storefront glazing, vertical veneer tile, and plaster finishes. Above the commercial storefront glazing, a horizontal band of veneer tile marks the top of the ground floor level, and the residential units above are stepped back to further define the transition. The residential facades feature alternating vertical bands of windows and protruding balconies, surrounded by plaster finishes of different shades, incorporating design treatments employed along the ground floor. The residential facades are designed with recessed elements that help to break down the façade and create a visual interest, with all four building frontages of equal articulation and use of materials. The roof lines are also varied in depth along the facades, corresponding to the breaks in plane of the elevations.

Height/Bulk. The Project will be six-stories and reach a maximum height of 75 feet to the top of the parapet. The proposed height of the building is consistent with recent and proposed development in the immediate area. Across Western Avenue to the west, the recently constructed Target development reaches a height of approximately 75. To the northwest, across both Sunset Boulevard and Western Avenue, the City

Planning Commission approved a mixed-use building consisting of 412 dwelling units with ground-floor commercial and grocery store uses, rising to a maximum height of 95 feet.

The Project has approximately 570 feet of street frontage along Sunset Boulevard, with ground floor retail and a grocery store, separated by a north-south pedestrian paseo of variable width (minimum 20 feet wide) that connects a public plaza on Sunset to the interior of the Project and the covered at-grade parking behind the commercial uses. Above the ground floor façade, on the third floor, are residential units, which are stepped back from the façade, and feature balconies, as well as a central courtyard amenity space, open to Sunset Boulevard.

The Western Avenue façade has 470 feet of building frontage with ground floor retail, bifurcated with a vehicular entrance and an east-west pedestrian paseo. The residential units are located on the second floor and above on the Western Avenue façade, south of the driveway, and on the third floor and above to the north of the driveway. At all residential levels along the Western Avenue frontage, the units are stepped back from the façade and feature balconies.

The Serrano Avenue façade has 470 feet of building frontage, with a centrally located east-west pedestrian paseo providing access through the site, as well as vehicular access. The ground floor of the northern portion of the frontage contains a residential lobby at the corner of Sunset Boulevard and Serrano Avenue, and a commercial loading dock. South of the driveway and pedestrian paseo, the ground floor contains a bike center and a residential lobby. The southern façade fronts a 25-foot wide east-west driveway that doubles as a fire lane and provides vehicular access from Serrano Avenue to the at-grade commercial and residential guest parking. Above the ground floor parking, beginning on the second floor, are residential units that are organized around four U-shaped open-air courtyards.

Setbacks. Pursuant to Section 9.H of the Vermont/Western SNAP Specific Plan, no front, side or back yards shall be required for the development of any commercial or residential project on any lot located within Subarea C. The Project is designed to comply with these regulations. Additionally, SNAP Design Standards & Guidelines Section V, Standard No. 6 requires that no building shall exceed a height of 30 feet within 15 feet of the front property line, and that along Sunset Boulevard, the second level is to be setback from the first level by 10 feet. The residential level is setback from the ground floor by 10 feet and the building is designed to conform to these design standards.

Off-Street Parking Facilities and Loading Areas. The Project includes 735 residential units, comprised of 275 studio units, 307 one-bedroom units and 153 two-bedroom units. Section 9 of the SNAP contains both minimum and maximum parking regulations based on habitable rooms, as well as guest parking requirements. The Project is required to provide at least one parking space for each dwelling unit having fewer than three habitable rooms, and at least one and one-half parking spaces for each dwelling unit having more than three habitable rooms, in addition to at least one

quarter parking space for each dwelling unit as guest parking. The Project is permitted a maximum of one parking space for each dwelling unit having fewer than three habitable rooms, a maximum of one and one-half parking spaces for each dwelling unit having three habitable rooms, a maximum of two parking spaces for each dwelling unit having more than three habitable rooms, and a maximum of one-half parking space for each dwelling unit as guest parking. Based on the habitable rooms provided for the unit mix, the Project will provide 1,409 residential parking spaces, which represents the maximum permitted by the Specific Plan.

The Project proposes 95,000 square feet of commercial floor area and is required to provide 190 commercial parking spaces. Section 9.E.1.c of the SNAP permits guest parking spaces for residential uses in Mixed-Use Projects be provided through shared use of required commercial parking spaces. As the Project is providing 368 guest parking spaces, the 190 required commercial spaces are provided pursuant to regulations of this section. Retail and residential guest parking will be located on the ground level, primarily in the southern portion of the building, as well as in the first subterranean level. Residential parking will be located in the first and second subterranean levels.

The parking areas on the site will be accessed via five separate driveways. There will be one 20-foot-wide driveway along Sunset Boulevard providing access to commercial and guest parking in the first subterranean level. Western Avenue will include two separate driveways, one at the approximate center of the building frontage that would provide access to the at-grade commercial and guest parking; the second driveway would align with De Longpre Avenue (to the west across Western Avenue) and would provide access to the at-grade and subterranean commercial, guest, and residential parking. Serrao Avenue will also include two driveways: one in the approximate center of the building frontage would provide access to the at-grade commercial and guest parking, as well as act as the entrance to the commercial loading dock; the second driveway would be located at the southern portion of the Project site, providing access to the at-grade commercial and guest parking, and the subterranean commercial, guest, and residential parking area. This driveway runs the east-west length of the Project site and will double as a fire lane, in addition to providing pedestrian access through the site.

Lighting. The project plans submitted do not indicate the type or location of proposed lighting. However, the SNAP Design Standards & Guidelines Section V, Standard No. 16 specifies requirements for on-site lighting that include lighting shielded, light mounting height and lamp color. Conditions of Approval have been included to require all on-site lighting to comply with these standards.

Landscaping. The centrally located courtyard on the third floor that opens to Sunset Boulevard contains a pool deck and spa, with outdoor tables, chairs, and fire pit. The pool is located in the center of the north-south courtyard, which opens to a larger east-west courtyard that features seating, a barbeque area, artificial turf, and raised planter areas. In addition to the main courtyard, the Project also includes four U-shaped courtyards along the southern portion of the building, three of which are

connected by a landscaped walkway. In addition, Conditions of Approval will require the submittal of a landscape and irrigation plan to demonstrate compliance with LAMC and SNAP requirements.

Based on the number of proposed dwelling units, the Project is required to provide 184 trees on-site. The Project will plant sixteen 36-inch box street trees along the Sunset Boulevard frontage, nine 36-inch box street trees along the Western Avenue frontage, and eleven 36-inch box street trees along the Serrano Avenue frontage, for a total of 36 street trees.

Trash Collection. The SNAP Design Standards & Guidelines Section V, Standard No. 8 specifies requirements for the location and design of trash storage and recycling areas. All trash enclosures are located interior to the development, fully screened from adjacent rights of way, in compliance with the standards.

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

Pursuant to LAMC Section 12.21 G.2(a), based on the number of habitable rooms per unit, the Project is required to provide 77,325 square feet of usable open space. As demonstrated in Exhibit A, the Project will provide 91,606 square feet of open space. The Project is required to provide common open space, which must comprise at least 50% of the total required open space, and 25 percent of the common open space must be landscaped. Pursuant to the Vermont/Western SNAP, common open space must be open to the sky, be readily accessible to all residents, and have a minimum area of 600 square feet with no horizontal dimension less than 20 feet across. Based on the required amount of usable open space for the Project, a minimum of 38,663 square feet must be common open space; the Project is providing 56,235 square feet of common open space. As conditioned, the Project is required to landscape 25 percent, or 14,058 square feet of the provided common open space. Section 9.D of the SNAP allows up to 75 percent of the common or private open space to be located above the grade level or first habitable room level. The Project will provide 25 percent, or 19,331 square feet of open space at the first habitable level, in compliance with this regulation.

Common open space will be located on multiple levels throughout the Project. The North Courtyard on Level 3 will be 31,711 square feet and will contain the pool deck, cabanas, spa, fire pits, BBQ areas, seating, and artificial turf and planting areas. There are five separate courtyards totaling 24,464 square feet which are generally located in the southern portion of the building, consisting of the following spaces: a 6,293 square foot courtyard on Level 2 that opens towards Serrano Avenue; three u-shaped courtyards opening to the southern driveway/fire lane, connected by a pedestrian path; and a fourth courtyard measuring 2,869 square feet, at the southeast portion of the building that includes a 1,643 square foot covered courtyard (not counted towards common open space). Additionally, there is a game room on Level 2, a fitness room on Level 3, and a club room on Level 5.

In addition, the Project is also providing 13,031 square feet of covered open space and amenity space throughout the building, and will provide 22,400 square feet of private open space in the form of residential balconies.

Therefore, the Project would provide more than the required amount of usable open space to improve habitability for its future residents, minimizing the impact for shared recreational facilities within the vicinity as well as neighboring properties.

## **CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS**

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

#### **I. INTRODUCTION**

This Environmental Impact Report (EIR), consisting of the Draft EIR and the Final EIR, is intended to serve as an informational document for public agency decision-makers and the general public regarding the objectives and components of the 5420 Sunset Project (Project), a new mixed-use development with multi-family residential and commercial uses on a 6.75 acre site located in the Hollywood Community Plan area of the City (Project Site). The Project would provide for the development of 735 multi-family residential units and up to 95,000 square feet of neighborhood-serving commercial uses, including a grocery market/retail and restaurant uses. The proposed uses would be provided within four six-story buildings with a maximum height of 75 feet. The proposed development would be situated around a north-south paseo and would include an east-west paseo and a second east-west driveway/fire lane. Parking would be distributed throughout the Project Site in two subterranean parking levels and an at-grade parking level located near the mid- to rear portion of the Project Site. To provide for the Project, the existing grocery store, vacant commercial space, fast-food restaurant, and associated surface parking areas would be demolished. Overall, the Project would demolish approximately 100,796 square feet of existing floor area and construct a maximum of 882,246 square feet of new floor area, resulting in an increase of 781,450 square feet of net new floor area within the Project Site and an Floor Area Ratio (FAR) of 3:1.

The City of Los Angeles (the City), as Lead Agency, has evaluated the environmental impacts of implementation of the Project by preparing an EIR (Case Number ENV-2017-1084-EIR/State Clearinghouse No. 2017061075). The EIR was prepared in compliance with the California Environmental Quality Act of 1970, Public Resources Code (PRC) 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 § 21081[a]; CEQA Guidelines § 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 EIR 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:

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

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

## II. ENVIRONMENTAL REVIEW PROCESS

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

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

**Notice of Preparation.** Pursuant to CEQA Guidelines Section 15082, the City then circulated a Notice of Preparation (NOP) to State, regional and local agencies, and members of the public for a 30-day comment period commencing on June 28, 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. In addition, a public scoping meeting was held regarding the Project on July 13, 2017. Written comment letters responding to the NOP were submitted to the City by various public agencies and interested organizations. The NOP, Initial Study, and comment letters are included in Appendix A of the Draft EIR.

**Draft EIR.** The Draft EIR evaluated in detail the potential effects of the Project. It also analyzed the effects of a reasonable range of four alternatives to the Project, including a "No Project" alternative. The Draft EIR for the Project (State Clearinghouse No. 2018051043), incorporated herein by reference in full, was prepared pursuant to CEQA and the CEQA Guidelines. The Draft EIR was circulated for a 45-day public comment period beginning on August 19, 2021 and ending on October 4, 2021. Copies of the written comments received are provided in the Final EIR. Pursuant to CEQA Guidelines Section 15088, 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 of the Final EIR.

**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 August 19, 2021, and notice was provided in newspapers of general and/or regional circulation.

**Final EIR.** The City published a Final EIR for the Project on July 22, 2021, 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. Responses were sent to all public agencies that made comments on the Draft EIR at least 10 days prior to certification of the Final EIR pursuant to CEQA Guidelines Section 15088(b). In addition, all individuals that commented on the Draft EIR also received a copy of the Final EIR. The Final EIR was also made available for review on the City's website. Notices regarding availability of the Final EIR were sent to those owners within a 500-foot radius of the Project Site, as well as individuals who commented on the Draft EIR, provided comments during the NOP comment period, or requested notice.

**Public Hearing.** A duly noticed public hearing for the Project was held by the Zoning Administrator on August 17, 2022.

### III. RECORD OF PROCEEDINGS

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

- All Project plans and application materials, including supportive technical reports;
- The Draft EIR and Appendices, Final EIR and Appendices, and all documents relied upon or incorporated therein by reference;
- The Mitigation Monitoring Program (MMP) prepared for the Project;
- The City of Los Angeles General Plan and related EIR;
- The Southern California Association of Governments (SCAG)'s 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) and related EIR (SCH No. 2019011061);
- The Southern California Association of Governments (SCAG)'s 2016-2040 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) and related EIR (SCH No. 2015031035);
- City of Los Angeles Municipal Code, including, but not limited, to the Zoning Ordinance and Subdivision Ordinance;
- All records of decision, resolutions, staff reports, memoranda, maps, exhibits, letters, minutes of meetings, summaries, and other documents approved, reviewed, relied upon, or prepared by any City commissions, boards, officials, consultants, or staff relating to the Project;
- 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 PRC Section 21167.6(e).

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

In addition, copies of the Draft EIR and Final EIR are available on the Department of City Planning's website at <https://planning.lacity.org/development-services/eir> (to locate the documents, search for either the environmental case number or project title in the Search Box). Copies are also available for in-person review by appointment only at the Department of City Planning. The Draft and Final EIR are also available at the following Library Branches:

- Los Angeles Central Library, 630 West Fifth Street, Los Angeles, CA 90071
- Hollywood Regional Branch Library, 1623 North Ivar Avenue, Los Angeles, CA 90028
- Will and Ariel Durant Branch Library, 7140 West Sunset Boulevard, Los Angeles, CA 90046
- Cahuenga Branch Library, 4591 Santa Monica Boulevard, Los Angeles, CA 90029
- Los Felix Branch Library, 1874 Hillhurst Avenue, Los Angeles, CA 90029

#### **IV. DESCRIPTION OF THE PROJECT**

The Project consists of a mixed-use development with multi-family residential and commercial uses on a 6.75-acre site located in the Hollywood Community Plan area of the City. The Project would provide for the development of 735 multi-family residential units consisting of 275 studio units, 307 one-bedroom units, and 153 two-bedroom units and up to 95,000 square feet of neighborhood-serving commercial uses, including market/retail and restaurant uses. The proposed uses would be provided within four six-story buildings with a maximum height of 75 feet. The proposed development would be situated around a north-south paseo and east-west pedestrian thoroughway. A second east-west pedestrian thoroughway and driveway/fire lane would also be provided at the southern end of the Project Site. Parking would be distributed throughout the Project Site in two subterranean parking levels and in an at-grade parking level located near the mid- to rear portion of the Project Site. The Project would also include residential lobbies and leasing offices, pools, spas, and other recreational facilities. In addition, the Project would meet the required open space area as set forth by the LAMC and Specific Plan by providing approximately 91,606 square feet of open space, including landscaped courtyards, a paved plaza fronting Sunset Boulevard, and a covered paseo at the ground level that would be publicly accessible from Sunset Boulevard, Western Avenue, and Serrano Avenue. To provide for the Project, the existing grocery store, vacant commercial space, fast-food restaurant, and associated surface parking areas would be demolished. Overall, the Project would demolish approximately 100,796 square feet of existing floor area and construct a maximum of 882,246 square feet of new floor area, resulting in an

increase of 781,450 square feet of net new floor area within the Project Site and an FAR of 3:1. The estimated depth of excavation expected for the subterranean parking would be approximately 25 feet below grade. It is estimated that approximately 380,000 cubic yards of export would be hauled from the Project Site during the demolition and excavation phase.

**V. ENVIRONMENTAL IMPACTS FOUND NOT TO BE SIGNIFICANT OR LESS THAN SIGNIFICANT WITHOUT MITIGATION IN THE INITIAL STUDY**

The Department of City Planning prepared an Initial Study dated June 28, 2017, which is located in Appendix A of the Draft EIR. The Initial Study found the Project would result in no impacts or less than significant impacts without mitigation for the following environmental topics:

**I. Aesthetics**

- a. Scenic Vista
- b. Scenic Resources
- c. Visual Character
- d. Light & Glare

**II. Agricultural and Forest Resources**

- a. Farmland
- b. Existing Zoning for Agricultural Use
- c. Forest Land or Timberland Zoning
- d. Loss or Conversion of Forest Land
- e. Other Changes in the Existing Environment

**III. Air Quality**

- e. Objectionable Odors

**IV. Biological Resources**

- a. Special Status Species
- b. Riparian Habitat and Wetlands
- c. Wetlands
- e. Local Preservation Policies
- f. Habitat Conservation Plans

**V. Cultural Resources**

- a. Historical Resources
- d. Human remains

**VI. Geological Resources**

- a. Seismic, Earthquake, Landslide
- b. Soil Erosion

- c. Geologic Unit/Soil
- d. Expansive Soil
- e. Septic Tanks

**VIII. Hazards and Hazardous Materials**

- a. Hazardous Materials
- b. Upset Conditions
- c. Hazardous Emissions
- d. Listed Hazardous Site
- e. Airport Land Use Plans
- f. Private Airstrips
- h. Wildland Fires

**IX. Hydrology and Water Quality**

- a. Water Quality Standards
- b. Groundwater Supplies
- c. Drainage
- d. Runoff
- e. Stormwater
- f. Degrade Water Quality
- g. Mapped 100-Year Flood Hazard Areas
- h. 100-Year Flood Hazard
- j. Seiche, Tsunami or Mudflow

**X. Land Use and Planning**

- a. Divide an Established Community
- c. Habitat or Natural Community Conservation Plans

**XI. Mineral Resources**

- a. Loss of Known Mineral Resources
- b. Loss of Mineral Resources Recovery Site

**XII. Noise**

- e. Airport Land Use Plans
- f. Private Airstrips

**XIII. Population and Housing**

- b. Displacement of Existing Housing
- c. Displacement of Existing Residents

**XVI. Transportation/Traffic**

- c. Air Traffic Patterns
- d. Hazardous Design

**XVII. Tribal Cultural Resources**

- a.i Listed Historical Resources

**XVIII. Utilities and Service Systems**

- a. Wastewater treatment
- c. Stormwater drainage facilities
- f. Landfill capacity
- g. Solid Waste Regulations

The City has reviewed the record and agrees with the conclusion that the above environmental issues would not be significantly affected by the Project and, therefore, no additional findings are needed. The City ratifies, adopts, and incorporates the analysis, explanation, findings, responses to comments, and conclusions of the Initial Study.

**VI. ENVIRONMENTAL IMPACTS FOUND NOT TO BE SIGNIFICANT OR LESS THAN SIGNIFICANT PRIOR TO MITIGATION**

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

**1. Air Quality**

- (A) Consistency with Applicable Air Quality Management Plan
  - (1) Southern California Air Quality Management District's Air Quality Management Plan

As detailed in Section IV.A, Air Quality, of the Draft EIR, because the Project's resulting residential and employment growth would fall well within the growth forecasts for the City and similar projections form the basis of the 2016 AQMP, the Project would be consistent with the projections in the Southern California Air Quality Management District's (SCAQMD) Air Quality Management Plan (AQMP).

As shown in Appendix B, page C-92, of the Draft EIR, incorporation of California Air Pollution Control Officers Association (CAPCOA) reduction measures (calculated internal to CalEEMod) results in an approximately 27 percent reduction

in the Project vehicular Vehicle Miles Traveled (VMT) as compared to a standard development within the Air Basin. Furthermore, with implementation of Project Design Feature TR-PDF-1, implementation of a Transportation Demand Management (TDM) program, the Project would result in a 29 percent reduction in overall VMT and associated emissions in comparison to a site without increased density, proximity to transit, mixed-use and other project features. Accordingly, as the Project would support Southern California Association of Government's (SCAG) and SCAQMD's objectives of reducing VMT and the related vehicular air emissions, the Project would be consistent with the 2016–2040 Regional Transportation Plan (RTP)/Sustainable Communities Strategy (SCS) (control measures of the AQMP).

With regard to AQMP consistency, the Project would not increase the frequency or severity of an existing violation or cause or contribute to new violations for these pollutants. The Project would comply with SCAQMD Rule 403 and would implement measures for control of NO<sub>x</sub> PM<sub>10</sub>, and PM<sub>2.5</sub>. Also, the Project would be consistent with the goals and policies of the AQMP for the control of fugitive dust. As the Project would not exceed any of the state and federal standards, the Project would also not delay timely attainment of air quality standards or interim emission reductions specified in the AQMP. In addition, because the Project includes similar growth projections that form the basis of the 2016 AQMP, it can be concluded that the Project would be consistent with the projections in the AQMP. Furthermore, while the Project does not require any air quality mitigation measures, the Project would comply with all applicable regulatory standards and would incorporate the Project Design Features in Section IV.E, Greenhouse Gas Emissions, of the Draft EIR, that would serve to reduce the criteria air pollutants discussed herein. Additionally, as the Project would support the City's and SCAQMD's objectives of reducing VMT and the related vehicular air emissions, the Project would be consistent with AQMP control measures. Thus, the Project would not conflict with or obstruct implementation of the AQMP.

(2) City of Los Angeles Policies

The Project would promote the Air Quality Element goals, objectives, and policies. Specifically, the Project would provide bicycle parking spaces as required by the Specific Plan. The Project would provide opportunities for the use of alternative modes of transportation, including convenient access to public

transit and opportunities for walking and biking, thereby facilitating a reduction in VMT. In addition, the Project would be consistent with the existing land use patterns in the vicinity of the Project Site that concentrates urban density along major arterials and near transit options. The Project also includes primary entrances for pedestrians and bicyclists that would be safe, easily accessible, and a short distance from transit stops. A more detailed analysis of the Project's consistency with the City's General Plan is presented in Table IV.A-5 of the Draft EIR which identifies specific goals and polices of the City's General Plan and demonstrates the Project's consistency with these goals.

(B) Construction Emissions

(i) Construction – Localized Emissions

The Project would not produce emissions exceeding SCAQMD's recommended localized standards of significance, as shown by Table IV.A-9 of the Draft EIR. As a result, construction of the Project would not produce any local violation of air quality standards or contribute substantially to an existing or projected air quality violation, and Project impacts would be less than significant.

(ii) Toxic Air Contaminants (TACs)

The greatest potential for TAC emissions during construction would be from diesel particulate emissions associated with heavy equipment operations. According to SCAQMD methodology, health effects from carcinogenic air toxics are usually described in terms of individual cancer risk. "Individual Cancer Risk" is the likelihood that a person continuously exposed to concentrations of TACs over a 70-year lifetime will contract cancer based on the use of standard risk assessment methodology. Given the short-term construction schedule of approximately four years, the Project would not result in a long-term (i.e., 70-year) source of TAC emissions. Additionally, the SCAQMD CEQA guidance does not require a health risk assessment (HRA) for short-term construction emissions. However, in response to public comments, a combined construction and operation HRA was performed (Appendix FEIR-2 to the Final EIR). The HRA demonstrates that health risks from the Project (combined construction and operation) would be a maximum incremental cancer risk of 6.9 in one million at residences located east of the Project Site, across Serrano Avenue (for combined construction and operational

emissions) which is below the applicable SCAQMD significance threshold of 10 in one million. Therefore, Project-related TAC impacts during construction would be less than significant.

(C) Operational Emissions

(i) Regional Emissions

As set forth in Tables IV.A-7 of the Draft EIR, the Project's operational emissions would not exceed SCAQMD's regional significance thresholds for VOC, NO<sub>x</sub>, CO, PM<sub>10</sub>, and PM<sub>2.5</sub> emissions. Therefore, Project impacts related to regional operational emissions would be less than significant.

(ii) Operation – Localized Emissions

Regarding on-site operational emissions, operation of the Project would not introduce any major new sources of air pollution within the Project Site. Emissions estimates for criteria air pollutants from on-site sources are presented in Table IV.A-10 of the Draft EIR. The SCAQMD Localized Significance Threshold (LST) mass rate look-up tables were used to evaluate potential localized impacts. As shown in Table IV.A-10 of the Draft EIR, on-site operational emissions would not exceed any of the LSTs. The Project on-site operational activities, including generation of criteria pollutants, would not expose sensitive receptors to substantial pollutant concentrations. Therefore, localized operational emissions resulting from the Project would result in a less-than-significant air quality impact.

Regarding off-site operational emissions, at Project buildout, the highest average daily trips at an intersection would be approximately 62,500 trips at the Western Avenue and Santa Monica Boulevard intersection, which is significantly below the daily traffic volumes that would be expected to generate CO exceedances as evaluated in the 2003 AQMP. This daily trip estimate is based on the peak hour conditions of the intersection. There is no reason unique to the Air Basin meteorology to conclude that the CO concentrations at the Western Avenue and Santa Monica Boulevard intersection would exceed the one-hour CO standard, if modeled in detail, based on the studies undertaken for the 2003 AQMP. In addition, CO background concentrations within the vicinity of the modeled intersection have substantially decreased since preparation of the 2003 AQMP, primarily due to ongoing fleet turn-over of older on-road light duty vehicles and cleaner fuels. In 2003, the one-hour background CO concentration was 5 ppm and has decreased to 1.9 ppm in 2017. Therefore, the Project does not trigger the need

for a detailed CO hotspots model and would not cause any new or exacerbate any existing CO hotspots. The Project off-site operational activities, including the highest average daily trips, would not expose sensitive receptors to substantial CO concentrations. As a result, impacts related to localized mobile-source CO emissions are considered less than significant.

(iii) Toxic Air Contaminants (TAC)

The primary sources of potential air toxics associated with Project operations include diesel particulate matter (DPM) from delivery trucks (e.g., truck traffic on local streets and idling on adjacent streets) and, to a lesser extent, facility operations (e.g., natural gas fired boilers). However, these activities, and the land uses associated with the Project, are not considered land uses that generate substantial TAC emissions and are not considered to be a substantial source of DPM warranting a refined HRA, since daily truck trips to the Project Site would not exceed 100 trucks per day or more than 40 trucks with operating transport refrigeration units. In addition, the CARB-mandated Airborne Toxic Control Measures limits diesel-fueled commercial vehicles (delivery trucks) to idle for no more than five minutes at any given time, which would further limit diesel particulate emissions. However, in response to public comments, a combined construction and operation HRA was performed (Appendix FEIR-2 to the Final EIR). The HRA demonstrates that health risks from the Project (combined construction and operation) would be a maximum of 6.9 in one million for residences located east of the Project Site (for combined construction and operational emissions) which is below the applicable SCAQMD significance threshold of 10 in one million. Potential TAC impacts would be less than significant.

(iv) Off-Site Sources

Zoning Information File 2427 (ZI 2427) states that recent studies have established strong links to negative health outcomes affecting sensitive populations as far out as 1,000 feet from freeways. The City Planning Commission advises that applicants of projects requiring discretionary approval, located in proximity of a freeway, and including residential units and other sensitive uses, to adhere to the Citywide design guidelines, including those that address freeway proximity and encourage design approaches that site sensitive uses away from the freeway and to provide enhanced filtration. In order to evaluate health risk impacts to future on-site receptors, an HRA was performed for the Project. Non-carcinogenic hazards analyzed

in the HRA include NO<sub>x</sub>, CO, PM<sub>10</sub>, and PM<sub>2.5</sub>. The results of the HRA are included in Appendix G of the Draft EIR. The HRA concluded that carcinogenic and non-carcinogenic hazards within the Project Site were predicted to be within acceptable limits. It is also noted that the HRA determined that the Project would not materially affect the level of toxic air contaminants generated by traffic along the nearby US-101 Freeway. Based on the above, the Project would not expose sensitive receptors to substantial pollutant concentrations and impacts would be less than significant.

(v) Cumulative Impacts

a. Construction

Based on SCAQMD guidance, individual construction projects that exceed the recommended daily thresholds for project-specific impacts would cause a cumulatively considerable increase in emissions for those pollutants for which the Air Basin is in non-attainment. As demonstrated in the Draft EIR, Section IV.A, the Project's construction localized emissions would be below the significance thresholds. Thus, during construction, the Project would have a less-than-significant cumulative impact to localized and TAC emissions and impacts would not be cumulatively considerable.

b. Operation

According to SCAQMD, if an individual project results in air emissions of criteria pollutants that exceed SCAQMD's recommended daily thresholds for project-specific impacts, then the project would also result in a cumulatively considerable net increase of these criteria pollutants. As operational emissions would not exceed any of SCAQMD's regional or localized significance thresholds, the emissions of non-attainment pollutants and precursors generated by Project operations would not be cumulatively considerable. In addition, the Project would not result in any substantial sources of TACs and, thus, would not contribute to a cumulative impact. Thus, during operation, the Project would not result in a cumulative impact to air quality, as the Project's contributions to regional, localized, and TAC emissions would not be cumulatively considerable.

(D) **Project Design Features**

The applicant has proposed the incorporation of Project Design Feature AQ-PDF-1, to utilize power poles, electric- and solar-powered generators rather than diesel or gasoline generators during construction, where feasible. The City finds that this PDF would also have the potential to reduce air quality impacts and was included in the EIR, but the analysis of potential impacts conservatively assumed the use of diesel-powered equipment and generators.

**2. Energy Use**

As demonstrated in the Energy Section of the Draft EIR, Section IV.C, the Project would not cause wasteful, inefficient, or unnecessary consumption of energy during construction or operation. The Project's energy requirements would not significantly affect local or regional supplies or capacity. The Project's energy usage during base and peak periods would be consistent with electricity and natural gas future projections for the region. Electricity generation capacity and supplies of natural gas and transportation fuels would be sufficient to meet the needs of Project-related construction and operational activities. During operations, the Project would comply with applicable energy efficiency requirements, such as the State Building Energy Efficiency Standards and applicable provisions of CalGreen, as well as include energy conservation measures beyond such requirements. Moreover, the Project would not conflict with adopted energy conservation plans, or violate state or federal energy standards. In summary, the Project's energy demands would not significantly affect available energy supplies and would comply with relevant energy efficiency standards. In addition, based on the analysis in Draft EIR Section IV.C, the Project's impacts would not be cumulatively considerable and cumulative energy use impacts are concluded to be less than significant.

**3. Greenhouse Gas Emissions**

The significance of the Project's GHG emissions is evaluated consistent with CEQA Guidelines Section 15064.4(b) by considering whether the Project complies with applicable plans, policies, regulations, and requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of greenhouse gas emissions. For this Project, as a land use development project, the most directly applicable adopted regulatory plan to reduce GHG emissions is the 2016–2040 RTP/SCS, which is designed to achieve regional GHG reductions from the land use and transportation sectors as required by SB 375 and the State's long-term climate goals. The analysis also considers consistency with regulations or requirements adopted by the Assembly Bill (AB) 32 2008 Climate Change Scoping Plan and subsequent updates, SCAG's RTP/SCS, and the Sustainable City pLAn/L.A.'s Green New Deal.

As shown in Table IV.D-9 of the Draft EIR, when taking into consideration implementation of relevant Project design features, as well as the requirements set forth in the City of Los Angeles Green Building Code and full implementation of current state mandates, the Project's GHG emissions in 2026 would be 3,096 MTCO<sub>2</sub>e per year (amortized over 30 years) during construction and 3,829 MTCO<sub>2</sub>e per year during operation, resulting in a combined total of 4,138 MTCO<sub>2</sub>e per year.

As provided in Table IV.D-6 of the Draft EIR, the Project would not conflict with the Climate Change Scoping Plan which is intended to reduce GHG emissions.

The Project is the type of land use development that is encouraged by the RTP/SCS to reduce VMT and expand multi-modal transportation options, in order for the region to achieve the GHG reductions from the land use and transportation sectors required by SB 375, which, in turn, advances the State's long-term climate policies. By furthering implementation of SB 375, the Project would support regional land use and transportation GHG reductions consistent with state regulatory requirements. The Project would not conflict with the GHG reduction-related actions and strategies contained in the 2016 RTP/SCS and 2020 RTP/SCS. As such, impacts related to consistency with the RTP/SCS would be less than significant.

Table IV.D-7 of the Draft EIR provides a discussion of the Project's consistency with applicable GHG-reducing actions from L.A.'s Green New Deal. As discussed therein, the Project would be consistent with the applicable goals and actions of L.A.'s Green New Deal.

For the reasons discussed in Draft EIR Section IV.D and Final EIR Section III, the Project's post-2030 emissions trajectory is expected to follow a declining trend, consistent with the 2030 and 2050 targets and Executive Orders S-3-05 and B-30-15.

As determined in Draft EIR Section IV.D (as well as Final EIR Section III), given the Project's consistency with statewide, regional, and local plans adopted for the purpose of reducing GHG emissions, it is concluded that the Project's incremental contribution to GHG emissions and their effects on climate change would not be cumulatively considerable. For these reasons, the Project's cumulative contribution to global climate change is less than significant.

(A) Project Design Features

The applicant has proposed the inclusion of Project Design Feature GHG-PDF-1, for building design sustainability features, which is incorporated into the Project and is incorporated into these Findings as though fully set forth herein, and would also have the benefit of reducing potential greenhouse gas emissions of the Project. This Project Design

Feature was considered in the analysis of potential impacts, although not all measures included in the PDF were accounted for as reductions in the Project's emissions inventory.

#### **4. Land Use and Planning**

##### **(A) Consistency with Local Plans and Applicable Policies**

##### **(i) Los Angeles General Plan Framework Element**

As set forth in detail in Table 1 of Appendix F of the Draft EIR and summarized in Draft EIR Section IV.E, Land Use, pages IV.E-22 through IV.E-25, and in detail on pages IV.E-25 through IV.E-32 and Final EIR III, Revisions, Clarifications, and Corrections to the Draft EIR, pages III-64 through III-75, the Project would be substantially consistent with the applicable goals, objectives, and policies of the General Plan Framework Element, including the Land Use Chapter, Housing Chapter, Open Space and Conservation Chapter, Economic Development Chapter, and the Infrastructure and Public Services Chapter, Mobility Plan 2035, Conservation Element, Housing Element, Hollywood Community Plan, Hollywood Redevelopment Plan, Vermont/Western Station Neighborhood Area Station Neighborhood Area Plan, City of Los Angeles Freeway Adjacent Advisory Notice for Sensitive Uses, and 2016–2040 and 2020–2045 Regional Transportation Plan/Sustainable Communities Strategy.

##### **(B) Cumulative Impacts**

##### **(i) Conflict with Applicable Goals, Objectives, and Policies Adopted for the Purpose of Avoiding or Mitigating an Environmental Effect**

As set forth in Draft EIR Section IV.E, Land Use, page IV.H-33, as with the Project, the related projects would be required to comply with relevant land use policies and regulations. Therefore, as with the Project, the related projects would not conflict with applicable land use plans. Overall, cumulative impacts related to conflict with land use plans would be less than significant.

#### **5. Noise**

##### **(A) Construction**

##### **(i) Off-Site Construction Noise**

As set forth in Draft EIR Section F, Noise, pages IV.F-28 through IV.F-29, and Table IV.F-12, the noise levels generated by

construction trucks during all stages of Project construction would be consistent with the existing daytime ambient noise levels along the anticipated haul route(s). The Project-related construction traffic would result in a maximum 2.9 dBA increase along Western Avenue and 3.6 dBA increase along Lexington Avenue over the existing ambient, which would be below significance criteria of 5 dBA above ambient noise level (based on the measured ambient at R3). Therefore, temporary noise impacts from off-site construction traffic would be less than significant.

(ii) Off-Site Vibration (Building Damage and Human Annoyance)

As set forth in Draft EIR Section F, Noise, pages IV.F-47 through IV.F-49, vibration impacts (pursuant to the significance criteria for building damage) from off-site construction activities (i.e., construction trucks traveling on public roadways) would be less than significant. In addition, potential vibration impacts with respect to human annoyance that would result from temporary and intermittent off-site vibration from construction trucks traveling along the anticipated haul route would be less than significant.

(iii) Cumulative On-Site Construction Vibration (Building Damage and Human Annoyance)

As set forth in Draft EIR Section F, Noise, pages IV.F-56 through IV.F-59, the Project would not contribute to cumulative construction vibration impact with respect to building damage associated with on-site construction and the cumulative impact would be less than significant. Moreover, potential cumulative construction vibration impacts with respect to human annoyance associated with on-site construction would be less than significant.

(iv) Cumulative Off-Site Construction Vibration (Building Damage and Human Annoyance)

As set forth in Draft EIR Section F, Noise, pages IV.F-59 through IV.F-60, potential cumulative vibration impacts with respect to building damage from off-site construction would be less than significant. In addition, to the extent that other related projects use the same haul route as the Project, potential cumulative human annoyance impacts associated with temporary and intermittent vibration from haul trucks traveling along the designated haul routes would be less than significant.

(B) Operations

(i) Operational Noise

As set forth in detail in Draft EIR Section F, Noise, pages IV.F-29 through IV.F-42, and Tables IV.F-13 through IV.F-20, Project operations would not result in the exposure of persons to or generation of noise levels in excess of standards established in the City's General Plan or noise ordinance, or applicable standards of other agencies. Therefore, the Project's operational noise impacts from on- and off-site sources would be less than significant.

(ii) Operational Vibration

As set forth in Draft EIR Section F, Noise, pages IV.F-49 through IV.F-50, operation of the Project would not increase the existing vibration levels in the immediate vicinity of the Project Site. As such, vibration impacts associated with operation of the Project would be less than significant.

1. Cumulative Operational Noise

As detailed in Draft EIR Section F, Noise, pages IV.F-55 through IV.I-56, and the Table therein, the Project and related projects would not result in the exposure of persons to or generation of noise levels in excess of the significance criteria established by the City or in a substantial permanent increase in ambient noise levels in the vicinity of the Project Site above levels existing without the Project and the related projects. Therefore, cumulative operational noise impacts from on-site and off-site sources would be less than significant.

(E) Cumulative Operational Vibration

As detailed in Draft EIR Section F, Noise, page IV.F-61, based on the distance of the related projects from the Project Site and the operational vibration levels associated with the Project, cumulative vibration impacts associated with operation of the Project and related projects would be less than significant.

(C) Project Design Features

The applicant has proposed the inclusion of Project Design Features NOI-PDF-1 through NOI-PDF-5, for proper construction equipment maintenance, screening of outdoor mechanical equipment, limitations on outdoor amplified sound systems, loading dock screening, and prohibition on driven (impact) pile construction methods, which are

incorporated into the Project and are incorporated into these Findings as though fully set forth herein, would also have the benefit to reduce the potential noise impacts of the Project. These Project Design Features were considered in the analysis of potential impacts.

## 6. Population and Housing

### (A) Construction

Due to the employment patterns of construction workers in Southern California, and the operation of the market for construction labor, construction workers are not likely, to any notable degree, to relocate their households as a consequence of the construction job opportunities presented by the Project. Thus, the Project would not induce substantial unplanned population growth in the area during construction. Therefore, construction-related impacts associated with population and housing would be less than significant.

### (B) Operation

#### (i) Direct Population Impacts

While the Project has the potential to induce population growth, the growth is accounted for in the SCAG 2016–2040 RTP/SCS, including for the SCAG region and the Los Angeles Subregion. Additionally, the growth associated with the proposed Project would be distributed in a manner consistent with local planning efforts. Furthermore, as discussed in Section IV.K, Utilities and Service Systems, of the Draft EIR, the population growth would not require significant upgrades to water or wastewater infrastructure. As such, Project impacts related to population growth would be less than significant.

#### (ii) Direct Housing Impacts

As shown in **Error! Reference source not found.** on page **Error! Bookmark not defined.** of the Draft EIR, based on SCAG's 2016–2040 RTP/SCS, the 735 multi-family residential units included in the Project would represent approximately 0.15 percent of the projected housing growth in the SCAG region between 2017 and 2026, and 0.63 percent of the projected housing growth in the City of Los Angeles during the same period. As shown in Table IV.G 4 on page IV.G-15, based on SCAG's 2020–2045 RTP/SCS, the 735 multi-family residential units included in the Project would represent approximately 0.15 percent of the projected housing growth in the SCAG region between 2017 and 2026, and 0.56 percent of the projected housing growth in the City of Los Angeles during the same

period. Based on the above analysis, the Project would not cause housing growth to exceed projected/planned levels for the Project's buildout year. As such, development of the Project would not result in an adverse physical change in the environment due to an unplanned expansion of the local housing stock. Impacts relating to housing growth would be less than significant, and no mitigation measures are required.

(iii) Direct Employment Impacts

As shown in Revised Table IV.G-3 of the Final EIR, the net increase of 33 on-site employees that would be generated by the Project would represent 0.001 percent of the employment growth forecasted for the SCAG Region and 0.02 percent of the employment growth forecasted for the City of Los Angeles between 2017 and 2026 based on SCAG's 2016–2040 RTP/SCS. As shown in Revised Table IV.G-4 of the Final EIR, the net increase of 33 employees would represent 0.007 percent of the employment growth forecasted for the SCAG Region and 0.04 percent of the employment growth forecasted for the City of Los Angeles between 2017 and 2026 based on SCAG's 2020–2045 RTP/SCS. Therefore, Project-related employment generation would not conflict with SCAG's employment forecasts for the SCAG Region and the City of Los Angeles. Since the Project represents a net increase of 33 employment positions for the SCAG Region and the City, which is a negligible change relative to existing conditions on the Project Site, impacts on the jobs/housing ratio would be less than significant.

(iv) Indirect Housing and Population Impacts

In addition to 735 new dwelling units, the Project proposes to construct up to 95,000 square feet of commercial uses. As shown in Revised Table IV.G-5 of the Final EIR, based on employment generation rates, development of the Project would result in approximately 373 employees on the Project Site, resulting in a net increase of 33 employees compared to existing conditions. The net increase of 33 on-site employees resulting from the Project would represent a negligible amount of the employment growth forecasted for the SCAG Region or the City between 2017 and 2026 based on SCAG's 2016–2040 RTP/SCS. Therefore, Project-related employment generation would be consistent with SCAG's employment forecasts for the SCAG Region and the City.

In addition, the commercial uses would include a range of permanent and part-time positions that may be filled by persons

already residing in the vicinity of the workplace and who generally do not relocate their households due to such employment opportunities. This demand could be met by a combination of the Project's 735 dwelling units, existing vacancies in the surrounding housing market, as well as by the other new units currently planned in the Hollywood area. Given these options, sufficient housing is expected to be available to accommodate any indirect demand for housing generated by the Project. Likewise, any indirect population growth associated with Project employment would not be substantial and would fall well within SCAG's projections for population growth in the SCAG region and the City. As such, the Project would not induce substantial population growth or exceed SCAG's population forecast for the City or the SCAG region.

With regard to housing, any indirect demand for housing that would be generated by the Project's commercial uses would be fulfilled by a combination of the Project's 735 dwelling units, vacancies in the surrounding housing market, and from other new units in the vicinity of the Project Site. As such, the Project's indirect housing demand would not cause housing growth to exceed projected/planned levels for the Project's buildout year, and the Project's indirect impacts on housing would be less than significant.

With regard to infrastructure, all circulation improvements planned for the Project are intended to improve circulation flows and safety throughout the Project Site and vicinity. Utility and other infrastructure improvements planned for the Project are intended to connect the proposed uses to the existing main infrastructure system and would not require upgrades to the main system. Therefore, the Project would not result in any significant adverse impacts in terms of the introduction of unplanned infrastructure that was not previously evaluated in the Community Plan and the General Plan.

## **7. Public Services**

Consistent with *City of Hayward v. Trustees of California State University* (2015) 242 Cal.App.4th 833, significant impacts under CEQA consist of adverse changes in any of the physical conditions within the area of a project, and potential impacts on public safety services are not an environmental impact that CEQA requires a project applicant to mitigate: "[T]he obligation to provide adequate fire and emergency medical services is the responsibility of the city. (Cal. Const., art. XIII, § 35, subd. (a)(2) ["The protection of the public safety is the first responsibility of local government and local officials have an obligation to give priority to the provision of adequate public safety services."].)

The need for additional fire protection services is not an environmental impact that CEQA requires a project proponent to mitigate.” Although that case specifically addressed fire services, its holding also applies to other public services.

(A) Public Services – Fire Protection

As set forth in Draft EIR Section IV.H.1, Public Services – Fire Protection, pages IV.H.1-16 through IV.H.1-24 and Final EIR III, Revisions, Clarifications, and Corrections, pages III-47 through III-48, Project construction, operation, and cumulative impacts would not result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, need for new or physically altered governmental facilities, the construction of which would cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for fire protection services. Therefore, impacts to fire protection services during Project construction, operation, and in the cumulative condition would be less than significant.

(B) Public Services – Police Protection

As set forth in Draft EIR Section IV.H.2, Public Services – Police Protection, pages IV.H.2-11 through IV.H.2-28 and Final EIR III, Revisions, Clarifications, and Corrections to the Draft EIR, pages III-48 through III-49, Project construction, operation, and cumulative impacts would not result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, need for new or physically altered governmental facilities, the construction of which would cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for police protection services. Therefore, impacts to police protection services during Project construction, operation, and in the cumulative condition would be less than significant.

(i) Police Protection – Project Design Features

The applicant has proposed the inclusion of Project Design Features POL-PDF-1 through POL-PDF-7, which include construction and operational security measures, and provisions for lighting, viewable entrances, and coordination with the LAPD, incorporated into the Project, would also have the benefit to reduce the potential police protection impacts of the Project. The Project Design Features were considered in the analysis of potential impacts.

(C) Public Services – Schools

As set forth in Draft EIR Section IV.H.3, Public Services – Schools, pages IV.H.3-13 through IV.H.3-24, Project construction, operation, and cumulative impacts would not result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, need for new or physically altered governmental facilities, the construction of which would cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for schools. Therefore, impacts to schools during Project construction, operation, and in the cumulative condition would be less than significant.

(D) Public Services – Libraries

As set forth in Draft EIR Section IV.H.4, Public Services –Libraries, pages IV.H.4-9 through IV.H.4-21, Project construction, operation, and cumulative impacts would not result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, or the need for new or physically altered governmental facilities, the construction of which would cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for libraries or library facilities. Therefore, impacts to library facilities during Project construction, operation, and in the cumulative condition would be less than significant.

(E) Public Services – Parks and Recreation

As set forth in Draft EIR Section IV.H.5, Public Services – Parks and Recreation, pages IV.H.5-17 through IV.H.5-27, and Final EIR III, Revisions, Clarifications, and Corrections to the Draft EIR, pages III-49 through III-53, Project construction, operation, and cumulative impacts would not result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, need for new or physically altered governmental facilities, the construction of which would cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for parks and recreation services. Therefore, impacts to libraries during Project construction, operation, and in the cumulative condition would be less than significant.

**8. Transportation**

(A) Program, Plans, Ordinance or Policy

As set forth in Draft EIR Section IV.I, Transportation, pages IV.I-23 through IV.I-28, and Final EIR III, Revisions, Clarifications, and

Corrections to the Draft EIR, pages III-53 through III-54, the Project would not conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities.

(B) CEQA Guidelines Section 15064.3, subdivision (b)

As set forth in Draft EIR Section IV.I, Transportation, pages IV.I-28 through IV.I-31, Appendix P, Traffic Study, and Final EIR III, Revisions, Clarifications, and Corrections to the Draft EIR, pages III-54 through III-55, Project-level impacts related to VMT were determined to be less than significant.

(C) Hazardous Design

As set forth in Draft EIR Section IV.I, Transportation, pages IV.I-31 through IV.I-32, the Project would not include any hazardous geometric design features.

(D) Emergency Access

As set forth in Draft EIR Section IV.I, Transportation, pages IV.I-32 through IV.I-33, the Project would not result in inadequate emergency access.

(E) Cumulative Impacts

As set forth in Draft EIR Section IV.I, Transportation, pages IV.I-33 through IV.I-36, the Project's contribution to impacts related to programs, plans, ordinances, or policies; or vehicle miles traveled; or hazardous design; or emergency access would not be cumulatively considerable and cumulative impacts would be less than significant.

(F) Project Design Features

The applicant has proposed the inclusion of Project Design Feature TR-PDF-1 and TR-PDF-2, for the implementation of a Transportation Demand Management plan during operation and a Construction Traffic Management Plan during construction, which are incorporated into the Project and incorporated into these findings as fully set forth herein, would also have the benefit to reduce the potential transportation impacts of the Project. These Project Design Features were considered in the analysis of potential impacts.

**9. Tribal Cultural Resources**

As set forth in Draft EIR Section IV.J, Tribal Cultural Resources, Project-level and cumulative impacts related to tribal cultural resources would be less than significant. Although the Project would result in less-than-significant impacts

to tribal cultural resources, with implementation of the City's established condition of approval to address any inadvertent discovery of a tribal cultural resource, the less than-significant impacts to tribal cultural resources would be further reduced.

**10. Utilities and Service Systems – Water Supply and Infrastructure**

As set forth in Draft EIR Section IV.K.1, Utilities and Service Systems – Water Supply and Infrastructure, pages IV.K.1-27 through IV.K.1-45, Appendices R, S, and U, and Final EIR III, Revisions, Clarifications, and Corrections to the Draft EIR, pages III-55 through III-59, the Project, either during construction, operation, or cumulative condition, would not require or result in the construction of new water facilities or expansion or expansion of existing facilities, the construction of which could cause significant environmental effects. In addition, sufficient water supply is available to serve the Project construction, Project operation, and in the cumulative condition. As such, impacts related to water infrastructure and to water supply would be less than significant.

(A) Project Design Features

The applicant has proposed the inclusion of Project Design Feature WAT-PDF-1, which includes water conservation features for the building design and landscaping, which is incorporated into the Project and incorporated into these findings as fully set forth herein, would also have the benefit to reduce potential water supply impacts of the Project. This Project Design Feature was considered in the analysis of potential impacts.

**11. Utilities and Service Systems – Wastewater**

As set forth in Draft EIR Section IV.K.2, Utilities and Service Systems – Wastewater, pages IV.K.2-12 through IV.K.2-27, and Final EIR III, Revisions, Clarifications, and Corrections to the Draft EIR, pages III-59 through III-61, the Project, either during construction, operation, or cumulative condition, would not require or result in the construction of new wastewater facilities or expansion or expansion of existing facilities, the construction of which could cause significant environmental effects. In addition, sufficient wastewater capacity is available to serve the Project construction wastewater demand, Project operation wastewater demand, and in the cumulative condition. As such, impacts related to wastewater infrastructure and to wastewater treatment capacity would be less than significant.

**12. Utilities and Service Systems – Energy Infrastructure**

As set forth in Draft EIR Section IV.K.3, Utilities and Service Systems – Energy Infrastructure, pages IV.K.3-7 through IV.K.3-13, Project construction and operation, including in the cumulative condition, would not require or result in

an increase in demand for electricity or natural gas that exceeds available supply or distribution infrastructure capabilities that could result in the construction of new energy facilities or expansion of existing facilities, the construction of which could cause significant effects. Therefore, Project impacts would be less than significant during construction and operation.

## **VII. ENVIRONMENTAL IMPACTS FOUND TO BE LESS THAN SIGNIFICANT AFTER 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.

### **1. Air Quality – Construction Emissions (Regional)**

#### **(A) Impact Summary**

Project construction has the potential to generate air emissions through the use of heavy-duty construction equipment and vehicle trips by construction workers traveling to and from the Project Site. In addition, fugitive dust emissions would result from demolition and construction activities. Mobile source emissions, primarily NO<sub>x</sub>, would result from the use of construction equipment, such as dozers, loaders, and cranes. During the building finishing phase, paving, and the application of architectural coatings (e.g., paints) would potentially release VOCs. The assessment of construction air quality impacts considers each of these potential sources. Construction emissions can vary substantially from day to day, depending on the level of activity, the specific type of operation, and, for dust, the prevailing weather conditions.

The emissions levels in Table IV.A 6 of the Draft EIR represent the highest daily emissions projected to occur during each year of construction. As presented therein, construction-related daily maximum regional construction emissions (i.e., combined on-site and off-site emissions) without mitigation would not exceed the SCAQMD daily significance thresholds for VOC, CO, SO<sub>x</sub>, PM<sub>10</sub>, or PM<sub>2.5</sub>. Maximum unmitigated construction emissions would exceed the SCAQMD daily significance threshold for NO<sub>x</sub> as a result of the grading phase (i.e., excavation and export of soil) over an approximate seven-month duration. Therefore, prior to mitigation, regional construction emissions resulting from the Project would result in a significant short-term impact. However, mitigation measures would reduce impacts to a less-than-significant level. Therefore, regional construction emissions resulting

from the Project would result in a less-than-significant impact with incorporation of mitigation measures.

(B) Project Design Features

**Project Design Feature AIR-PDF-1:** Where power poles are available, electricity from power poles and/or solar-powered generators rather than temporary diesel or gasoline generators will be used during construction.

(C) Mitigation Measures

**Mitigation Measure AIR-MM-1:** All off-road diesel-powered equipment greater than 50 hp used during Project grading/excavation activities shall meet United States Environmental Protection Agency (USEPA) Tier 4 Final emissions standards. A copy of each such unit's certified tier specification, best available control technology (BACT) documentation, and California Air Resources Board (CARB) or South Coast Air Quality Management District (SCAQMD) operating permit shall be provided on-site at the time of mobilization of each applicable unit of equipment to allow the Construction Monitor to compare the on-site equipment with the inventory and certified Tier specification and operating permit.

**Mitigation Measure AIR-MM-2:** During the grading phase, all trucks hauling the export of soil material and demolished site improvements shall be model year 2007 or newer. Prior to issuance of a grading permit, the applicant shall provide evidence (such as copies of contracts with concrete subcontractors with specifications or engine certifications) satisfactory to the Department of City Planning demonstrating compliance with this measure.

**Mitigation Measure AIR-MM-3:** All construction equipment shall be properly tuned and maintained in accordance with the manufacturer's specifications. The contractor shall keep documentation on-site demonstrating that the equipment has been maintained in accordance with the manufacturer's specifications.

**Mitigation Measure AIR-MM-4:** Contractors shall maintain and operate construction equipment so as to minimize exhaust emissions. During construction, trucks and vehicles in loading and unloading queues shall have their engines turned off after five minutes when not in use, to reduce vehicle emissions.

**Mitigation Measure AIR-MM-5:** If stationary petroleum-powered construction equipment, such as generators, must be operated continuously, such equipment shall be located at least 100 feet from

sensitive land uses. Distance to the nearest receptor is measured from the exhaust stack of the engine to the nearest receptor location.

(D) Finding

Pursuant to PRC Section 21081(a)(1), the City finds that changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid potential significant effects on the environment regarding construction air quality emissions – regional emissions.

(E) Rationale for Finding

As shown in **Error! Reference source not found.** of the Draft EIR, implementation of the mitigation measures described above would serve to reduce construction emissions for all pollutants and maximum regional NO<sub>x</sub> emissions would be reduced below SCAQMD's regional construction significance threshold. Specifically, Mitigation Measure AIR-MM-1, the use of EPA Tier 4 emissions compliant equipment would reduce peak daily construction NO<sub>x</sub> emissions from 134 pounds per day to 107 pounds per day in Year 2022. Mitigation measures AIR-MM-2, the use of 2007 or newer haul trucks, would further reduce peak daily construction NO<sub>x</sub> emissions from 107 to 71 pounds per day of NO<sub>x</sub> in Year 2022 and would be reduced below the SCAQMD significance threshold of 100 pounds per day of NO<sub>x</sub>.

Peak daily NO<sub>x</sub> emissions over the duration of construction would be 97 pounds per day of NO<sub>x</sub> during Year 2022, which is also below the significance threshold. AIR-MM-3 through AIR-MM-6, presented above, would further reduce criteria pollutant emissions (including NO<sub>x</sub>) during Project construction activities. However, quantification of these mitigation measures is not feasible (e.g., due to the number of construction equipment manufacturers, each with their own specifications regarding engine tuning and extent of use of solar generators). Although Mitigation Measures AIR-MM-3 through AIR-MM-5 are included as part of the Project, emissions presented above do not account for these measures. Therefore, Project construction emissions presented above, along with impact conclusions, are conservative. Project construction would result in a less than significant Project-level and cumulative regional impacts with incorporation of mitigation measures.

(F) Reference

Section IV.A, Air Quality, of the Draft EIR, as well as Appendix B (Air Quality and Greenhouse Gas Emissions) and Final EIR III, Revisions, Clarifications, and Corrections to the Draft EIR, pages III-30 through III-31.

## 2. Cultural Resources – Archaeological Resources

### (A) Impact Summary

The results of the archaeological records search indicate that there was one historic-period archaeological site within a one-half-mile radius of the Project Site, but it is no longer extant. The Cultural Resources Report concluded the area around the Project Site is highly sensitive for the presence of buried historic period archaeological resources. If intact, buried archaeological resources could provide important information on the prehistory and history of the region. As such, construction activities associated with the Project could result in substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5, which is a potentially significant impact. Mitigation Measures CUL-MM-1 through CUL-MM-3 below would reduce this potential impact to a less-than-significant level.

### (B) Project Design Features

No project design features are applicable.

### (C) Mitigation Measures

**Mitigation Measure CUL-MM-1:** Prior to the start of either demolition, grading, or construction, a qualified principal archaeologist (Project Archaeologist) meeting the Secretary of the Interior's Qualification Standards for Archaeology shall be retained. The Project Archaeologist shall prepare a written Cultural Resources Monitoring and Treatment Plan (CRMTP) to reduce potential Project effects on unanticipated archaeological resources unearthed during construction through data recovery. The CRMTP shall be approved by the Department of City Planning, Office of Historic Resources. The CRMTP shall also include a summary of pertinent background information, consistent with the information disclosed in this EIR, including the environmental and cultural settings of the Project area, site information, and in the event of discovery of any archaeological resources, the proposed avoidance methods, reporting methods, and plans for curation of collected materials.

**Mitigation Measure CUL-MM-2:** During project planning, demolition, excavation, and construction, the CRMTP shall be implemented by the Project Archaeologist. The CRMTP shall include the professional qualifications required of key staff, monitoring protocols, provisions for evaluating and treating sites discovered during ground-disturbing activities, and reporting requirements. The CRMTP shall also include a section describing the protocol in the event that human remains are

discovered during Project construction consistent with the provisions of the California Health and Safety Code.

**Mitigation Measure CUL-MM-3:** If cultural resources that may be eligible for listing in the California Register are discovered during demolition, excavation or construction, all ground-disturbing activities in the immediate vicinity of the find shall be halted to allow the Project Archaeologist for up to five days to evaluate the find. If the find is recommended as eligible for the California Register by the Project Archaeologist, the Project proponent and City of Los Angeles Department of City Planning, Office of Historic Resources, shall be notified and the provisions of the CRMTP shall be implemented to reduce Project impacts on the newly discovered resource to a less-than-significant level.

(D) Finding

Pursuant to PRC Section 21081(a)(1), the City finds that changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid potential significant effects on the environment regarding archaeological resources.

(E) Rationale for Finding

As set forth in Mitigation Measures CUL-MM-1 through CUL-MM-3, a qualified archaeologist shall be retained to perform periodic inspections of excavation and grading activities of the Project Site. In the event archaeological resources are encountered, the archaeologist shall be allowed to temporarily divert or redirect grading and excavation activities in the area of the exposed material to facilitate evaluation and, if necessary, salvage. Therefore, implementation of Mitigation Measures CUL-MM-1 through CUL-MM-3 would ensure that any potential impacts related to archaeological resources would be less than significant.

With regard to potential cumulative impacts related to archaeological resources, the Project vicinity is urbanized and has been disturbed and developed over time. In the event that archaeological resources are uncovered, all related projects and other future development within the Project vicinity area would be required to comply with applicable regulatory requirements. In addition, as part of the environmental review processes for the related projects, it is expected that mitigation measures would be established as necessary to address the potential for uncovering archeological resources. Therefore, cumulative impacts to archaeological resources would be less than significant and would not be cumulatively considerable.

(F) Reference

Section IV.B, Cultural Resources, of the Draft EIR, as well as Cultural Resources Evaluation and Impact Assessment for the 5420 Sunset Project (Cultural Resources Report) prepared by Statistical Research, Inc. (SRI) in December 2018, and included in Appendix C of the Draft EIR.

**3. Geology and Soils – Paleontological Resources**

(A) Impact Summary

As discussed in Section VI, Other CEQA Considerations, of the Draft EIR, and evaluated in the Initial Study prepared for the Project, included in Appendix A of the Draft EIR, according to a records search of the paleontological specimen and locality records held by the Vertebrate Paleontology Department of the Natural History Museum of Los Angeles (NHMLA), there are no previously encountered fossil vertebrate localities located within the Project Site. While no localities have been identified within the Project Site, the known significant fossil finds from the Puente Formation and the richness of nearby localities with similar depositional regimes and geologic ages are indicative of the high fossil sensitivity for this unit. Excavation into the Puente Formation has the potential to encounter vertebrate fossil remains. The Project would require excavation up to 64 feet below grade, which could potentially disturb previously undiscovered paleontological resources. Therefore, the Project could potentially destroy a unique paleontological resource. The Initial Study included Mitigation Measure CUL-MM-1 to address potential impacts associated with undiscovered paleontological resources. Mitigation Measure CUL-MM-1 was redefined in the Draft EIR as Mitigation Measure GEO-MM-1. With implementation of Mitigation Measure GEO-MM-1 potential impacts to any previously undiscovered paleontological resources would be reduced to a less-than-significant level.

With regard to unique geologic features, there are no unique geologic features on the Project Site. Therefore, as determined in the Initial Study, the Project would not directly or indirectly destroy an unique geologic feature. No impact with respect to the destruction of an unique geologic feature would occur.

(B) Project Design Features

No specific project design features are proposed with regard to paleontological resources.

(C) Mitigation Measures

**Mitigation Measure GEO-MM-1:** During the excavation and grading phases and prior to the issuance of building permits, the Applicant shall retain an independent Construction Monitor, who shall be responsible for coordinating with a certified paleontologist to implement and enforce the following:

- a. If any paleontological materials are encountered during the course of Project development, the Construction Monitor shall coordinate with the services of a paleontologist, and all further development activity shall halt in the immediate vicinity of the find and the following shall be undertaken:
  - i. The services of a professional paleontologist shall then be secured by contacting the Center of Paleontology–USC, UCLA, California State University Los Angeles, California State University Long Beach, or the Los Angeles County Natural History Museum to assess the discovered material(s) and prepare a survey, study or report evaluating the impact.
  - ii. The Construction Monitor shall also prepare and submit documentation of the Applicant’s compliance during construction every 30 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 mitigation measure 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.
  - iii. The paleontologist’s survey, study or report shall contain a recommendation(s), if necessary, for the preservation, conservation, or relocation of the resource.
  - iv. The Applicant shall comply with the recommendations of the evaluating paleontologist, as contained in the survey, study or report.
- b. At the conclusion of monitoring activities, the Project paleontologist shall prepare a signed statement indicating the first and last dates monitoring activities took place, and submit it

to the Department of City Planning, for retention in the administrative file for Case No. ENV-2017-1084-EIR.

- c. Project development activities may resume once copies of the paleontological survey, study or report are submitted to the Los Angeles County Natural History Museum or when permitted by the Construction Monitor.
- d. Prior to the issuance of any certificate of occupancy, the Applicant shall submit a letter to the case file indicating what, if any, paleontological reports have been submitted, or a statement indicating that no material was discovered.

(D) Finding

Pursuant to PRC Section 21081(a)(1), the City finds that changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid potential significant effects on the environment regarding paleontological resources.

(E) Rationale for Finding

As set forth in Mitigation Measure GEO-MM-1, a qualified paleontologist shall be retained to perform periodic inspections of excavation and grading activities of the Project Site. In the event paleontological materials are encountered, the paleontologist shall be allowed to temporarily divert or redirect grading and excavation activities in the area of the exposed material to facilitate evaluation and, if necessary, salvage. Therefore, implementation of Mitigation Measure GEO-MM-1 would ensure that any potential impacts related to paleontological resources would be less than significant.

With regard to potential cumulative impacts related to paleontological resources, the Project vicinity is urbanized and has been disturbed and developed over time. In the event that paleontological resources are uncovered, all related projects and other future development within the Project vicinity would be required to comply with applicable regulatory requirements. In addition, as part of the environmental review processes for the related projects, it is expected that mitigation measures would be established, as necessary, to address the potential for uncovering paleontological resources. Therefore, cumulative impacts to paleontological resources would be less than significant and would not be cumulatively considerable.

(F) Reference

Section VI, Other CEQA Considerations, of the Draft EIR, as well as paleontological records search results included in the Initial Study,

Appendix IS-3 (Los Angeles County Natural History Museum Records Search) (Appendix A to the Draft EIR).

**4. Noise – On-Site Vibration (Building Damage)**

(A) Impact Summary

As shown in Table IV.F-22 on page IV.F-46, the estimated vibration velocity levels from construction equipment would be below the building damage significant criteria for the existing building structures north, east, and west of the Project Site. However, the estimated vibration levels from the construction equipment would exceed the 0.5 Peak Particle Velocity (PPV) building damage significance criteria at the multi-story building adjacent to the Project Site to the south. Therefore, the on-site vibration impacts during construction of the Project would be significant without mitigation measures.

(B) Project Design Features

**Project Design Feature NOI-PDF-1:** Power construction equipment (including combustion engines), fixed or mobile, will be equipped with state-of-the-art noise shielding and muffling devices (consistent with manufacturers' standards). All equipment will be properly maintained to assure that no additional noise, due to worn or improperly maintained parts, would be generated. The construction contractor will keep documentation on-site demonstrating that the equipment has been maintained in accordance with manufacturer's specifications.

**Project Design Feature NOI-PDF-2:** All outdoor mounted mechanical equipment will be enclosed or screened from off-site noise-sensitive receptors as defined in the *LA CEQA Thresholds Guide*.

**Project Design Feature NOI-PDF-3:** Outdoor amplified sound systems, if any, will be designed so as not to exceed the maximum noise level of 71 dBA ( $L_{eq-1hr}$ ) at a distance of 25 feet from the amplified speaker sound systems at the Ground Level (Outdoor Dining, Plaza, and Paseo) and 85 dBA ( $L_{eq-1hr}$ ) at the Levels 2 and 3 (Courtyards at Buildings 1, 2, 3, and 4, and Paseo) and at the Recreation Building Roof Level Terrace. A qualified noise consultant will provide written documentation that the design of the system complies with these maximum noise levels.

**Project Design Feature NOI-PDF-4:** All loading docks will be acoustically screened from off-site noise-sensitive receptors.

**Project Design Feature NOI-PDF-5:** Project construction will not include the use of driven (impact) pile systems.

(C) Mitigation Measures

**Mitigation Measure NOI-MM-2:** Prior to start of construction, the Applicant shall retain the services of a structural engineer or qualified professional to perform a pre-construction survey of the multi-story office building adjacent to the Project Site to the south to inspect and document the apparent physical condition of the buildings' readily-visible features.

The Applicant shall retain the services of a qualified acoustical engineer to review proposed construction equipment and develop and implement a vibration monitoring program capable of documenting the construction-related ground vibration levels at property line of the office building adjacent to the Project Site to the south during demolition and grading/excavation phases. The vibration monitoring system shall continuously measure and store the peak particle velocity (PPV) in inch/second. The system shall also be programmed for two preset velocity levels: a warning level of 0.4 PPV and a regulatory level of 0.5 PPV. The system shall also provide real-time alert when the vibration levels exceed the two preset levels.

In the event the warning level (0.4 PPV) is triggered, the contractor shall identify the source of vibration generation and provide feasible steps to reduce the vibration level, including but not limited to halting/staggering concurrent activities and utilizing lower vibratory techniques.

In the event the regulatory level (0.5 PPV) is triggered, the contractor shall halt the construction activities in the vicinity of the building and visually inspect the building for any damage. Results of the inspection must be logged, and repairs will be provided in the event any damage occurred. The contractor shall identify the source of vibration generation and provide feasible steps to reduce the vibration level. Construction activities may then restart once the vibration level is recalibrated and construction activities are adjusted to be below the warning level.

(D) Finding

Pursuant to PRC Section 21081(a)(1), the City finds that changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid potential significant effects on the environment regarding 4. Noise – On-Site Vibration (Building Damage).

(E) Rationale for Finding

With implementation of Mitigation Measure NOI-MM-2 and compliance with LAMC Section 91.3307, vibration levels at the exterior of the multi-story office would not exceed the significance criteria, 0.5 PPV.

Therefore, vibration impacts associated with the on-site construction activities would be reduced to a less than significant level for both project and cumulative level.

(F) Reference

Section IV.F, Noise, of the Draft EIR, as well as Appendix H (Noise Calculation Worksheets).

**VIII. ENVIRONMENTAL IMPACTS FOUND TO BE SIGNIFICANT EVEN AFTER MITIGATION**

The following impact areas were concluded by the Draft EIR to remain significant and unavoidable following implementation of all feasible mitigation measures described in the Final EIR. Consequently, in accordance with CEQA Guidelines Section 15093, a Statement of Overriding Considerations has been prepared (see Section XI of these Findings).

**1. Noise**

(A) Impact Summary

(i) Project-Level On-Site Construction Noise

As detailed in Draft EIR Section F, Noise, pages IV.I-25 through IV.I-28, and the Tables therein, noise impacts from Project-related construction activities occurring within or adjacent to the Project Site would be a function of the noise generated by construction equipment, the location of the equipment, the timing and duration of the noise-generating construction activities, and the relative distance to noise-sensitive receptors. Construction activities for the Project would generally include demolition, site grading and excavation for the subterranean parking garage, and building construction. Each stage of construction would involve the use of various types of construction equipment and would, therefore, have its own distinct noise characteristics. Demolition generally involves the use of backhoes, front-end loaders, and heavy-duty trucks. Grading and excavation typically require the use of earth-moving equipment, such as excavators, front-end loaders, and heavy-duty trucks. Building construction typically involves the use of cranes, forklifts, concrete trucks, pumps, and delivery trucks. Noise from construction equipment would generate both steady-state and episodic noise that could be heard within and adjacent to the Project Site.

As provided in Project Design Feature NOI-PDF-1, construction equipment is reasonably assumed to have proper noise muffling devices per the manufacturers' standards. Individual pieces of

construction equipment anticipated to be used during construction of the Project could produce maximum noise levels ( $L_{max}$ ) of 74 dBA to 90 dBA at a reference distance of 50 feet from the noise source, as shown in Table IV.F 10 on page IV.F-26 of the Draft EIR. These maximum noise levels would occur when equipment is operating under full power conditions (i.e., the equipment engine at maximum speed). However, equipment used on construction sites often operate under less than full power conditions, or part power. To more accurately characterize construction-period noise levels, the average (Hourly  $L_{eq}$ ) noise level associated with each construction phase is calculated based on the quantity, type, and usage factors for each type of equipment that would be used during each construction phase. These noise levels are typically associated with multiple pieces of equipment operating on part power, simultaneously.

Table IV.F 11 on page IV.F-27 of the Draft EIR provides the estimated construction noise levels for various construction phases at the off-site noise-sensitive receptors. To present a conservative impact analysis, the estimated noise levels were calculated for a scenario in which all pieces of construction equipment were assumed to operate simultaneously and be located at the construction area nearest to the affected receptors. These assumptions represent the worst-case noise scenario because construction activities would typically be spread out throughout the Project Site, and, thus, some equipment would be farther away from the affected receptors. In addition, the noise modeling assumes that construction noise is constant, when, in fact, construction activities and associated noise levels are periodic and fluctuate based on the construction activities.

Since construction activities would occur over a period longer than 10 days for all phases, the corresponding significance criteria used in the construction noise analysis is when the construction-related noise exceeds the ambient  $L_{eq}$  noise level of 5 dBA at a noise-sensitive use. As presented in Table IV.F-11 on page IV.F-27 of the Draft EIR, construction activities would generate the highest noise during the demolition phase, as it is anticipated to have the highest noise generating construction equipment in the construction area compared to the Project's other construction stages. Therefore, the potential noise impacts (i.e., noise increase over the ambient level) would be highest during the demolition phase. As indicated in Table IV.F-11, the estimated noise levels during all stages of Project construction

would exceed the significance criteria at all off-site receptor locations, with the exception of receptor location R4. The estimated construction-related noise would exceed the significance threshold from 4.6 dBA at receptor R5 to 18.5 dBA at receptor R1, without implementation of mitigation. Therefore, temporary noise impacts associated with the Project's on-site construction would be significant.

(ii) Project-Level On-Site Construction Vibration (Human Annoyance)

As detailed in Draft EIR Section F, Noise, page IV.F-46, and the Table IV.F-23, per FTA guidance, the significance criteria for human annoyance is 72 VdB for sensitive uses, including residential, hotel, and theater uses, assuming there are a minimum of 70 vibration events occurring during a typical construction day. As indicated in Table IV.F 23, the estimated ground-borne vibration levels from construction equipment would be below the significance criteria for human annoyance at all off-site sensitive receptor locations, with the exception of receptor location R1. The estimated ground-borne vibration levels at receptor location R1 would be up to 76 VdB and would exceed the 72 VdB significance criteria, during the demolition and grading/excavation phases with large construction equipment (i.e., large bulldozer, caisson drilling, and loaded trucks) operating within 80 feet on the receptor R1. Therefore, on-site vibration impacts during construction of the Project, pursuant to the significance criteria for human annoyance, would be significant.

(iii) Cumulative On-Site Construction Noise

As indicated in Section III, Environmental Setting, of the Draft EIR, 100 related projects have been identified in the vicinity of the Project Site. Noise from construction of development projects is typically localized and has the potential to affect noise-sensitive uses within 500 feet from the construction site, based on the *L.A. CEQA Thresholds Guide* screening criteria. Construction-related noise levels from the related projects would be intermittent and temporary and it is anticipated that, as with the Project, the related projects would comply with the construction hours and other relevant provisions set forth in the LAMC. Noise associated with cumulative construction activities would be reduced to the degree reasonably and technically feasible through proposed mitigation measures for each individual related project and compliance with locally adopted and enforced noise ordinances. Based on the above, there

would potentially be cumulative noise impacts at the nearby sensitive uses (e.g., residential and hotel uses) located in proximity to the Project Site and Related Project Nos. 42, 61, 63, 64, and 99, in the event of concurrent construction activities. As such, cumulative noise impacts from on-site construction would be significant.

(iv) Cumulative Off-Site Construction Noise

Off-site construction haul trucks would have a potential to result in cumulative impacts if the trucks for the related projects and the Project were to utilize the same haul route. Specifically, based on the existing daytime ambient noise level of 67.8 dBA ( $L_{eq}$ ) along the anticipated haul route, Western Avenue (refer to Table IV.F 12 on page IV.F-30), it is estimated that up to 115 truck trips per hour could occur along Western Avenue without exceeding the significance criteria of 5 dBA increase over the ambient noise levels. Therefore, if the total number of trucks from the Project and related projects were to add up to 116 truck trips per hour along Western Avenue, the estimated noise level from 116 truck trips per hour would be 71.1 dBA. When added to the ambient (67.8 dBA), the cumulative noise would be 72.8 dBA, which would exceed the ambient noise levels by 5 dBA and exceed the significance criteria. In addition, it is estimated that 43 trucks per hour (from the Project and related projects) would generate noise level of 69.7 dBA along Lexington Avenue and when added to the ambient noise level of 66.4 dBA would result in a cumulative noise level of 71.4 dBA, which would increase the ambient by 5 dBA. There are six related projects located in close proximity of Western Avenue, which could utilize the same routes as the Project, including: Related Project Nos. 42, 61, 63, 64, 67, and 99. These six related projects together would include approximately 919 residential units, which is more than the Project's 735 units. Since the Project would generate up to 50 truck trips per hour during peak construction period, it is conservatively assumed that truck traffic from the six noted related projects could generate up to 66 truck trips per hour. Therefore, construction of the Project and other related projects would cumulatively add up to 116 or more hourly truck trips along Western Avenue and up to 58 or more hourly truck trips along Lexington Avenue. As such, cumulative noise due to construction truck traffic from the Project and other related projects has the potential to exceed the ambient noise levels along the haul route by 5 dBA. As such, cumulative noise impacts from off-site construction would be significant.

(B) Project Design Features

**Project Design Feature NOI-PDF-1:** Power construction equipment (including combustion engines), fixed or mobile, will be equipped with state-of-the-art noise shielding and muffling devices (consistent with manufacturers' standards). All equipment will be properly maintained to assure that no additional noise, due to worn or improperly maintained parts, would be generated. The construction contractor will keep documentation on-site demonstrating that the equipment has been maintained in accordance with manufacturer's specifications.

**Project Design Feature NOI-PDF-5:** Project construction will not include the use of driven (impact) pile systems.

(C) Mitigation Measures

**Mitigation Measure NOI-MM-1:** A temporary and impermeable sound barrier shall be erected at the locations listed below. At plan check, building plans shall include documentation prepared by a noise consultant verifying compliance with this measure.

- Along the eastern property line of the Project Site between the construction areas and the residential uses on the east side of Serrano Avenue east of the Project Site (receptor R1). The temporary sound barrier shall be designed to provide a minimum 15-dBA noise reduction at the ground level of receptor R1.
- Along the northern property line of the Project Site between the construction areas and residential use on Serrano Avenue northeast of the Project Site (receptor R2) and the hotel on the north side Sunset Boulevard (receptor R3). The temporary sound barrier shall be designed to provide a minimum 11-dBA and 7-dBA noise reduction at the ground level of receptors R2 and R3, respectively.
- Along the southern property line (east portion) of the Project Site between the construction areas and residential use on Fernwood Avenue south of the Project Site (receptor R5). The temporary sound barrier shall be designed to provide a minimum 5-dBA noise reduction at the ground level of receptor R5.

**Mitigation Measure NOI-MM-2:** Prior to start of construction, the Applicant shall retain the services of a structural engineer or qualified professional to perform a pre-construction survey of the multi-story office building on adjacent to the Project Site to the south to inspect and document the apparent physical condition of the buildings' readily-visible features.

The Applicant shall retain the services of a qualified acoustical engineer to review proposed construction equipment and develop and implement a vibration monitoring program capable of documenting the construction-related ground vibration levels at property line of the office building adjacent to the Project Site to the south during demolition and grading/excavation phases. The vibration monitoring system shall continuously measure and store the peak particle velocity (PPV) in inch/second. The system shall also be programmed for two preset velocity levels: a warning level of 0.4 PPV and a regulatory level of 0.5 PPV. The system shall also provide real-time alert when the vibration levels exceed the two preset levels.

In the event the warning level (0.4 PPV) is triggered, the contractor shall identify the source of vibration generation and provide feasible steps to reduce the vibration level, including but not limited to halting/staggering concurrent activities and utilizing lower vibratory techniques.

In the event the regulatory level (0.5 PPV) is triggered, the contractor shall halt the construction activities in the vicinity of the building and visually inspect the building for any damage. Results of the inspection must be logged, and repairs will be provided in the event any damage occurred. The contractor shall identify the source of vibration generation and provide feasible steps to reduce the vibration level. Construction activities may then restart once the vibration level is recalibrated and construction activities are adjusted to be below the warning level.

(D) Finding

(i) Project-Level On-Site Construction Noise

Pursuant to PRC Section 21081(a)(1) and (a)(3), the City finds that changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid potential significant effects on the environment regarding Project-Level On-Site Construction Noise. However, at receptor location R1, on-site construction noise would remain significant and unavoidable. 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.

(ii) Project-Level On-Site Vibration (Human Annoyance)

Pursuant to PRC Section 21081(a)(1) and (a)(3), the City finds that changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid potential

significant effects on the environment regarding Project-Level On-Site Vibration (Human Annoyance). However, at receptor location R1, on-site vibration would remain significant and unavoidable. 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.

(iii) Cumulative On-Site Construction Noise

Pursuant to PRC Section 21081(a)(1) and (a)(3), the City finds that changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid potential significant effects on the environment regarding Cumulative On-Site Construction Noise. 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.

(iv) Cumulative Off-Site Construction Noise

Pursuant to PRC Section 21081(a)(1) and (a)(3), the City finds that changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid potential significant effects on the environment regarding Cumulative Off-Site Construction Noise. 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.

(E) Rationale for Finding

(i) Project-Level On-Site Construction Noise

Implementation of Mitigation Measure NOI-MM-1 provided above would reduce the Project's construction noise levels to the extent feasible. As indicated in Table IV.F 21 on page IV.F-44 of the Draft EIR, implementation of Mitigation Measure NOI-MM-1 (installation of temporary sound barrier) would reduce the noise generated by on-site construction activities at the off-site sensitive uses, by a minimum 15 dBA at the residential use on Serrano Avenue east of the Project Site (receptor location R1), by a minimum 11 dBA at the residential use on Serrano Avenue north of the Project Site (receptor location R2), 7 dBA at the hotel use on Sunset Boulevard north of the Project Site (receptor

location R3), and 5 dBA at the residential use on Fernwood Avenue south of the Project Site (receptor location R5). The estimated construction-related noise levels at all off-site sensitive receptor locations would be reduced to below a level of significance with implementation of Mitigation Measure NOI-MM-1, with the exception of receptor location R1. With the implementation of Mitigation Measure NOI-MM-1, the construction-related noise at receptor location R1 would still exceed the significance threshold by 3.3 dBA. The noise impacts at location R1 would be temporary when construction equipment is operating adjacent to the receptor location. However, there are no other feasible mitigation measures to further reduce the construction noise at location R1 to below the significance threshold. Therefore, construction noise impacts associated with on-site noise sources would remain significant and unavoidable.

(ii) Project-Level On-Site Vibration (Human Annoyance)

Project-level vibration impacts from on-site construction activities would still exceed the 72 VdB human annoyance significance criteria at the residential use east of the Project Site (receptor location R1). Other mitigation measures considered to reduce vibration impacts from on-site construction activities with respect to human annoyance included the installation of a wave barrier, which is typically a trench or a thin wall made of sheet piles installed in the ground (essentially a subterranean sound barrier to reduce noise). However, wave barriers must be very deep and long to be effective and are not considered cost effective for temporary applications, such as construction. In addition, constructing a wave barrier to reduce the Project's construction-related vibration impacts would, in and of itself, generate ground-borne vibration from the excavation equipment. Thus, it is concluded that there are no feasible mitigation measures that could be implemented to reduce the temporary vibration impacts from on-site construction associated with human annoyance to a less-than-significant level. Therefore, project-level vibration impacts from on-site construction activities with respect to human annoyance would remain significant and unavoidable.

(iii) Cumulative On-Site Construction Noise

Construction-related noise levels from the related projects would be intermittent and temporary and it is anticipated that, as with the Project, the related projects would comply with the construction hours and other relevant provisions set forth in the LAMC. Noise associated with cumulative construction activities

would be reduced to the degree reasonably and technically feasible through proposed mitigation measures for each individual related project and compliance with locally adopted and enforced noise ordinances. Based on the above, there would potentially be cumulative noise impacts at the nearby sensitive uses (e.g., residential and hotel uses) located in proximity to the Project Site and Related Project Nos. 42, 61, 63, 64, and 99, in the event of concurrent construction activities. As such, cumulative noise impacts from on-site construction would be significant.

(iv) Cumulative Off-Site Construction Noise

Off-site construction haul trucks would have a potential to result in cumulative impacts, if the trucks for the related projects and the Project were to utilize the same haul route. Specifically, based on the existing daytime ambient noise level of 67.8 dBA ( $L_{eq}$ ) along the anticipated haul route, Western Avenue (refer to Table IV.F 12 on page IV.F-30), it is estimated that up to 115 truck trips per hour could occur along Western Avenue without exceeding the significance criteria of 5 dBA increase over the ambient noise levels. Therefore, if the total number of trucks from the Project and related projects were to add up to 116 truck trips per hour along Western Avenue, the estimated noise level from 116 truck trips per hour would be 71.1 dBA. When added to the ambient (67.8 dBA), the cumulative noise would be 72.8 dBA, which would exceed the ambient noise levels by 5 dBA and exceed the significance criteria. In addition, it is estimated that 43 trucks per hour (from the Project and related projects) would generate noise level of 69.7 dBA along Lexington Avenue and when added to the ambient noise level of 66.4 dBA would result in a cumulative noise level of 71.4 dBA, which would increase the ambient by 5 dBA. There are six related projects located in close proximity of Western Avenue, which could utilize the same routes as the Project, including; Related Project Nos. 42, 61, 63, 64, 67, and 99. These six related projects together would include approximately 919 residential units, which is more than the Project's 735 units. Since the Project would generate up to 50 truck trips per hour during peak construction period, it is conservatively assumed that truck traffic from the six noted related projects could generate up to 66 truck trips per hour. Therefore, construction of the Project and other related projects would cumulatively add up to 116 or more hourly truck trips along Western Avenue and up to 58 or more hourly truck trips along Lexington Avenue. As such, cumulative noise due to construction truck traffic from the Project and other related

projects has the potential to exceed the ambient noise levels along the haul route by 5 dBA. As such, cumulative noise impacts from off-site construction would be significant.

(F) Reference

Section IV.F, Noise, and noise calculation worksheets contained in Appendix H, of the Draft EIR; Final EIR, Section III, Revisions, Clarifications, and Corrections to the Draft EIR, pages III-36-42.

## **IX. ALTERNATIVES TO THE PROJECT**

CEQA requires that an EIR analyze a reasonable range of feasible alternatives that could substantially reduce or avoid the significant impacts of a project while also meeting the project's basic objectives. An EIR must identify ways to substantially reduce or avoid the significant effects that a project may have on the environment (PRC 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 Draft EIR evaluated a reasonable range of four alternatives to the Project in detail, which include the (1) No Project/No Build Alternative; (2) Zoning Compliant All Commercial Alternative; (3) Zoning Compliant All Hotel Alternative; and (4) Reduced Density (25 Percent) Mixed-Use Alternative. In accordance with CEQA requirements, the alternatives to the Project include a "No Project" alternative and alternatives capable of eliminating the significant adverse impacts of the project. These alternatives and their impacts, which are summarized below, are more fully described in Section V of the Draft EIR.

### **1. 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.

### **2. Project Objectives**

An important consideration in the analysis of alternatives to the Project is the degree to which such alternatives would achieve the objectives of the Project. As more thoroughly described in Section II, Project Description, of the Draft EIR, pages II-7 – II-8, both the City and Applicant have established specific objectives concerning the Project, which are incorporated by reference herein and discussed further below.

### 3. Project Alternatives Analyzed

#### (A) Alternative 1 – No Project Alternative

The No Project Alternative for a development project on an identifiable property consists of the circumstance under which the project does not proceed. CEQA Guidelines Section 15126.6(e)(3)(B) states in part that, “in certain instances, the No Project Alternative means ‘no build’ wherein the existing environmental setting is maintained.” Accordingly, for purposes of this analysis, Alternative 1, the No Project/No Build Alternative, assumes that the Project would not be approved and no new development would occur within the Project Site. Thus, the physical conditions of the Project Site would generally remain as they are today. The Project Site would continue to be occupied by a one-story grocery store and one-story fast-food restaurant and their associated parking areas. No new construction would occur.

#### (i) Impact Summary

The No Project/No Build Alternative would avoid the Project’s significant and unavoidable on-site construction noise impacts and on-site construction vibration (pursuant to the threshold for human annoyance) impacts. Furthermore, the No Project/No Build Alternative would avoid the Project’s cumulative on-site and off-site construction noise impacts. Impacts associated with the remaining environmental issues would be less than those of the Project. However, Alternative 1 would not meet the Project’s underlying purpose, or achieve any of the Project objectives.

#### (ii) Finding

The City finds, pursuant to PRC Section 21081(a)(3), that specific economic, legal, social, technological, or other considerations, including considerations identified in Section XIII of these findings (Statement of Overriding Considerations), make infeasible the No Project Alternative, as described in the Draft EIR.

#### (iii) Rationale for Findings

No changes to existing land uses or operations on-site would occur under Alternative 1. Alternative 1 would avoid the Project’s significant and unavoidable environmental impacts regarding on-site construction noise and on-site construction vibration (pursuant to the threshold for human annoyance). Alternative 1 would also avoid most of the Project’s remaining less-than-significant and less-than-significant with mitigation impacts as no changes to the existing conditions would occur. Alternative 1

would not meet the Project's underlying purpose, or achieve any of the Project objectives.

(iv) Reference

Section V, Alternatives, of the Draft EIR.

(B) Alternative 2 – Zoning Compliant All Commercial Alternative

Under Alternative 2, the Zoning Compliant Alternative, the Project Site would be developed with all commercial uses in accordance with the existing C2-1 (Commercial, Height District 1) zoning for the Project Site. Height District 1 within the C2 zone normally imposes no height limitation and a maximum FAR of 1.5:1. However, Section 8.B.2 of the Specific Plan permits a maximum building height of 35 feet and a maximum FAR of 1.5:1 for projects comprised exclusively of commercial uses. Alternative 2 would specifically develop approximately 422,834 square feet of commercial uses in four buildings centered around north-south and east-west paseos, which is less than the 882,246 square feet proposed by the Project. The commercial uses would consist of 322,834 square feet of office space, 50,000 square feet of market space, 35,000 square feet of retail space, and 15,000 square feet of restaurant space. Due to the reduced size, construction duration would be shorter than the Project. Unlike the Project, no residential uses are proposed. The four buildings would be four stories and approximately 65 feet in height. The Zoning Compliant All Commercial Alternative would not be required to include open space, but would include the same pedestrian paseos and plaza as the Project that would include paving materials, raised planters, outdoor dining areas, and landscape elements that would enhance the Sunset Boulevard streetscape adjacent to the Project Site. A total of 764 vehicle parking spaces would be provided in two subterranean parking levels and in one partial at-grade parking level. The subterranean parking levels would have a smaller footprint than the Project and would, therefore, require less area of excavation. Alternative 2 would provide 212 bicycle parking spaces with short-term spaces located along Sunset Boulevard and Western Avenue, and long-term spaces within the parking levels. Vehicular access for Alternative 2 would be provided via two driveways on Western Avenue, one driveway on Sunset Boulevard, and one driveway on Serrano Avenue. Pedestrian access would be from Sunset Boulevard, Western Avenue, and Serrano Avenue. Alternative 2 would require the same entitlements as the Project, as well as a Specific Plan amendment to permit the proposed building height.

(i) Impact Summary

Alternative 2 would not eliminate the Project's significant and unavoidable impacts with respect to on-site construction noise and on-site construction vibration (pursuant to the threshold for human annoyance). In addition, Alternative 2 would reduce, but not eliminate the Project's contribution to potentially significant cumulative on-site and off-site construction noise impacts. In addition, impacts with respect to TAC emissions during operation would be greater than the Project, but would remain less than significant. All other impacts would be less than or similar to those of the Project. Alternative 2 would not meet several of the Project objectives, and would meet other objectives to a lesser extent than the Project.

(ii) Finding

The City finds, pursuant to PRC Section 21081(a)(3), that specific economic, legal, social, technological, or other considerations, including considerations identified in Section XIII of these findings (Statement of Overriding Considerations), make infeasible Alternative 2, as described in the Draft EIR.

(iii) Rationale for Finding

Alternative 2 would not eliminate the Project's significant and unavoidable impacts with respect to on-site construction noise and on-site construction vibration (pursuant to the threshold for human annoyance). In addition, Alternative 2 would reduce, but not eliminate the Project's contribution to potentially significant cumulative on-site and off-site construction noise impacts. In addition, impacts with respect to TAC emissions during operation would be greater than the Project, but would remain less than significant. All other impacts would be less than or similar to those of the Project. In addition, Alternative 2 would only partially meet most of the Project objectives, as Alternative 2 would include only office and commercial space and less residential units.

(iv) Reference

Section V, Alternatives, of the Draft EIR; and Final EIR III, Revisions, Clarifications, and Corrections to the Draft EIR, page III-62.

(C) Alternative 3 –Zoning Compliant Hotel Alternative

Under this Alternative, the Project Site would be developed with a hotel in accordance with the existing C2-1 (Commercial, Height District 1) zoning for the Project Site. Height District 1 within the C2 zone normally imposes no height limitation and a maximum FAR of 1.5:1. However, Section 8.B.2 of the Specific Plan permits a maximum building height of 35 feet and a maximum FAR of 1.5:1 for projects comprised exclusively of commercial uses. Alternative 3 would replace the Project's proposed uses with a hotel. Specifically, Alternative 3 would develop a 422,834 square foot hotel with 550 rooms and a variety of amenities such as pools, spas, and outdoor decks. The proposed 422,834 square-foot development is less than the 882,250 square feet proposed by the Project. Due to the reduced size, construction duration would be shorter than the Project. Like the Project, the hotel would consist of four buildings centered around north-south and east-west paseos. The four buildings would be three stories and approximately 45 feet in height, which is less than the Project. The Zoning Compliant Hotel Alternative would not be required to include open space, but would include the same pedestrian paseo and plaza as the Project that would include paving materials, raised planters, outdoor dining areas, and landscape elements that would enhance the Sunset Boulevard streetscape adjacent to the Project Site. A total of 635 vehicle parking spaces would be provided in two subterranean parking levels and one partial at-grade level. The subterranean parking levels would have a smaller footprint than the Project and would, therefore, require less excavation. Alternative 3 would provide 42 bicycle parking spaces with short-term spaces located along Sunset Boulevard and Western Avenue, and long-term spaces in the subterranean parking levels. Vehicular access for Alternative 3 would be provided via two driveways on Western Avenue, one driveway on Sunset Boulevard, and one driveway on Serrano Avenue, and pedestrian access would be from Sunset Boulevard, Western Avenue, and Serrano Avenue. Alternative 3 would require the same entitlements as the Project, as well as a Specific Plan amendment to permit the proposed building height and conditional use permit to allow a hotel within 500 feet of residential uses.

(i) Impact Summary

Alternative 3 would not eliminate the Project's significant and unavoidable impacts with respect to on-site construction noise and on-site construction vibration (pursuant to the threshold for human annoyance). In addition, Alternative 3 would reduce, but not eliminate the Project's contribution to potentially significant cumulative on- and off-site construction noise impacts. Impacts related to conflicts with land use plans would be greater

compared to the Project but would also be less than significant. All other impacts would be less than or similar to those of the Project.

(ii) Finding

The City finds, pursuant to PRC Code Section 21081(a)(3), that specific economic, legal, social, technological, or other considerations, including considerations identified in Section XIII of these findings (Statement of Overriding Considerations), make infeasible Alternative 3, as described in the Draft EIR.

(iii) Rationale for Findings

Alternative 3 would not eliminate the Project's significant and unavoidable impacts with respect to on-site construction noise and on-site construction vibration (pursuant to the threshold for human annoyance). In addition, Alternative 3 would reduce, but not eliminate the Project's contribution to potentially significant cumulative on- and off-site construction noise impacts and impacts. Impacts related to conflicts with land use plans would be greater compared to the Project but would also be less than significant. All other impacts would be less than or similar to those of the Project. Alternative 3 would replace the existing commercial uses and their associated parking areas with a new hotel on the Project Site. As such, Alternative 3 would not meet the Project's underlying purpose of developing a mixed-use development that provides new multi-family housing and retail and restaurant uses that serve the community and promote walkability. Specifically, Alternative 3 would not meet the following Project objectives because it does not include housing:

- Provide a mix of uses that maximizes building density at a location served by public transit and locate residential uses in areas that reduce automobile dependency in a transit priority area.
- Provide needed housing near public transit by constructing high density residential dwelling units to serve a range of tenants, and develop new housing stock at an infill location close to commercial and office uses.
- To promote local and regional mobility objectives by concentrating higher-density housing along Sunset Boulevard, a commercial corridor, and providing a mix of residential and neighborhood-serving commercial uses that are in close proximity to public transportation, including numerous bus lines, as well as rail transit, and

supported by recreational amenities and commercial services.

(iv) Reference

Section V, Alternatives, of the Draft EIR.

(D) Alternative 4 – Reduced Density Mixed Use Alternative

Alternative 4 would develop the same mix of uses as the Project, but all development would be reduced by 25 percent. Specifically, under this Alternative, the proposed housing units would be reduced from 735 to 551, and the proposed commercial space would be reduced from 95,000 to 71,250 square feet, consisting of a 51,750 square foot supermarket, 12,000 square feet of retail uses, and 7,500 square feet of restaurant uses. Total floor area under Alternative 4 would be reduced from 882,246 square feet to 661,688 square feet. Due to the reduced size, construction duration would be shorter than the Project. Like the Project, this Alternative would develop four buildings centered around a north-south paseo and east-west fire lane. The four buildings would be five stories and approximately 65 feet in height, approximately 10 feet less in height than the Project. The Reduced Density Mixed-Use Alternative would provide approximately 58,650 square feet of open space. A total of 689 vehicle parking spaces would be provided in two subterranean parking levels and in one at-grade parking level. The subterranean levels would have a smaller footprint than the Project and would, therefore, require less excavation. Alternative 4 would provide 294 bicycle parking spaces, consisting of 277 spaces for residential uses and 17 for commercial uses. Commercial bicycle parking spaces would be distributed on the sidewalks along Sunset Boulevard and Western Avenue and within the plaza and paseos. Residential bicycle parking spaces would be provided within the parking levels. Vehicular access for Alternative 4 would be provided via two driveways on Western Avenue, one driveway on Sunset Boulevard, and one driveway on Serrano Avenue and pedestrian access to the ground-floor neighborhood-serving commercial uses would be from Sunset Boulevard, Western Avenue, and Serrano Avenue. Alternative 4 would require the same entitlements as the Project.

(i) Impact Summary

Alternative 4 would not eliminate the Project's significant and unavoidable impacts with respect to on-site construction noise and on-site construction vibration (pursuant to the threshold for human annoyance). In addition, Alternative 4 would reduce, but not eliminate, the Project's contribution to potentially significant cumulative off-site construction noise impacts. All other impacts would be less than or similar to those of the Project.

(ii) Finding

The City finds, pursuant to PRC Code Section 21081(a)(3), that specific economic, legal, social, technological, or other considerations, including considerations identified in Section XIII of these findings (Statement of Overriding Considerations), make infeasible Alternative 4, as described in the Draft EIR.

(iii) Rationale for Findings

Alternative 4 would not eliminate the Project's significant and unavoidable impacts with respect to on-site construction noise and on-site construction vibration (pursuant to the threshold for human annoyance). In addition, Alternative 4 would reduce, but not eliminate, the Project's contribution to potentially significant cumulative off-site construction noise impacts. All other impacts would be less than or similar to those of the Project. Alternative 4 would meet the following Project objectives to a lesser extent than the Project:

- Provide a mix of uses that maximizes building density at a location served by public transit and locates residential uses in areas that reduce automobile dependency in a transit priority area.
- Improve the visual character of the Project area by redeveloping a project site currently improved with one-story commercial uses and associated surface parking with a new, mixed-use project that utilizes and conforms to the maximum Floor Area Ratio permitted by the Vermont/Western Station Neighborhood Area Specific Plan.
- Provide needed housing near public transit by constructing high density residential dwelling units to serve a range of tenants, and develop new housing stock at an infill location close to commercial and office uses.
- To promote local and regional mobility objectives by concentrating higher-density housing along Sunset Boulevard, a commercial corridor, and providing a mix of residential and neighborhood-serving commercial uses that are in close proximity to public transportation, including numerous bus lines, as well as rail transit, and supported by recreational amenities and commercial services.

(iv) Reference

Section V, Alternatives, of the Draft EIR and Final EIR III, Revisions, Clarifications, and Corrections to the Draft EIR, page III-62.

**4. Project Alternatives Considered and Rejected**

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:

(A) Alternative Project Site

The Applicant already owns the Project Site, and its location is conducive to the development of a mixed-use project. The Project Site is located on a section of Sunset Boulevard characterized by medium- to high-density, low- and high-rise commercial and multi-family structures. These uses make the Project Site particularly suitable for development of a mixed-use development that provides new multi-family housing and neighborhood-serving commercial uses that serve the community and promote walkability. The Project Site is also well-served by transit. Furthermore, the Applicant cannot reasonably acquire, control, or access an alternative site in a timely fashion that would result in implementation of a project with similar uses and square footage. Given its urban location, if an alternative site in the Hollywood area that could accommodate the Project could be found, it would be expected that the significant and unavoidable impacts associated with construction noise/vibration would also occur, similar to the Project on the Project Site. Additionally, considering the mix of uses in the Hollywood area where sensitive uses may be located closer, development of the Project at an alternative site could potentially produce other environmental impacts that would otherwise not occur at the current Project Site and result in greater environmental impacts when compared with the Project. Therefore, an alternative site is not considered feasible, as the Applicant does not own another suitable site that would achieve the underlying purpose and objectives of the Project, and an alternative site would not likely avoid the Project's significant impacts. Thus, this alternative was rejected from further consideration.

(B) **Alternative To Eliminate Significant Noise and Vibration Impacts During Construction**

Various alternatives were considered with the goal of avoiding the Project's short-term significant and unavoidable construction-related noise and vibration (human annoyance) impact. However, none of the considered approaches would substantially reduce or avoid the significant unavoidable construction-related on-site noise and both on- and off-site vibration (human annoyance) impacts of the Project. Therefore, an alternative that includes one or more of the considered approaches would not substantially reduce or eliminate the significant noise and vibration impacts of the Project.

**5. 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.

Of the alternatives analyzed in the Draft EIR, Alternative 1, the No Project/No Build Alternative would avoid all of the Project's significant environmental impacts, including the Project's significant and unavoidable impacts related to on-site noise during construction and on-site vibration during construction (pursuant to the threshold for human annoyance). In addition, Alternative 1 would avoid the Project's significant cumulative on- and off-site noise impacts. However, the No Project/No Build Alternative would not meet any of the Project objectives or achieve the Project's underlying purpose of developing the infill Project Site by constructing a mixed-use development that would provide new multi-family housing, and neighborhood-serving retail and restaurant uses to serve the Hollywood community and promote walkability.

In accordance with the CEQA Guidelines requirement to identify an Environmentally Superior Alternative other than the No Project Alternative (Alternative 1—No Project/No Build Alternative), a comparative evaluation of the remaining alternatives indicates that Alternative 4, the Reduced Density Alternative would be the Environmentally Superior Alternative. Alternative 4 would not avoid the Project's significant and unavoidable environmental impacts related to on-site construction noise or on-site construction vibration (pursuant to the threshold for human annoyance). In addition, Alternative 4 would reduce, but not eliminate, the Project's contribution to potentially significant cumulative on-site and off-site construction noise impacts. Alternative 4 would, however, further reduce many of the Project's less-than-significant impacts.

With an identical mix of uses as the Project, the Reduced Density Alternative would meet the Project's underlying purpose to develop a mixed-use development that provides new multi-family housing, retail, and restaurant uses that serve the community and promote walkability. However, with respect to housing, Alternative 4 would provide fewer housing units near public transit. Specifically, while not a specific objective of the Project, the 551 residential units included in Alternative 4 would provide 0.7 percent of the City's RHNA allocation compared to 0.9 percent with the Project. Therefore, as discussed above, the City finds that this Reduced Density Project Alternative is less desirable than the Proposed Project and rejects this alternative.

## **X. 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.

### **(1) 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).

The Project's impacts regarding solid waste are discussed in the Initial Study for the Project, which is included in Appendix A of the Draft EIR. As discussed therein, pursuant to SB 1374, during construction of the Project, the Project would implement a construction waste management plan to recycle and/or salvage a minimum of 75 percent of non-hazardous demolition and construction debris. Thus, the consumption of non-renewable building materials such as lumber, aggregate materials, and plastics would be reduced. 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. The Project would also comply with AB 939, AB 341, AB 1826, and City waste diversion goals, as applicable, by providing clearly marked, source sorted receptacles to facilitate recycling.

(2) Water

Consumption of water during construction and operation of the Project is addressed in Section IV.K.1, Utilities and Service Systems—Water Supply and Infrastructure, 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 Los Angeles Department of Water and Power (LADWP), which has approved the Water Supply Assessment for the Project. 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, pursuant to Project Design Feature WAT-PDF-1, the Project would implement a variety of water conservation features to reduce indoor and outdoor 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, as evaluated in Section IV.K.1, Utilities and Service Systems – Water Supply and Infrastructure, of the Draft EIR, 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.

(3) Energy Consumption

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 non-renewable fossil fuels for energy use during construction and operation of the Project is addressed in Section IV.C, Energy, 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 an estimated 162,744 gallons of gasoline and approximately 447,607 gallons of diesel fuel throughout the Project's construction. For comparison purposes, the fuel usage during Project construction would represent approximately 0.003 percent of the 2017 annual on-road gasoline-related energy consumption and 0.04 percent of the 2017 annual diesel fuel-related energy consumption in Los Angeles County. With respect to electricity, Project construction is expected to consume 40,835 kWh of electricity. The estimated construction electricity usage represents approximately 1.3 percent of the estimated annual operational demand for the Project which, as discussed below, would be within the supply and infrastructure service capabilities of LADWP. Moreover, construction electricity usage would replace the existing

electricity usage at the Project Site during construction. 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. As discussed in Section IV.C, Energy, of the Draft EIR, the Project would comply with 2019 Title 24 standards and applicable 2019 CALGreen requirements. In addition, the Project would use Energy Star-labeled products and light-emitting diode (LED) lighting where appropriate, to reduce electricity use. 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. Refer to Section IV.C, Energy, of the Draft EIR, for further analysis regarding the Project's consumption of energy resources.

(4) Environmental Hazards

As discussed in the Project's Initial Study included as Appendix A of the Draft EIR, the types and amounts of hazardous materials that would be used in connection with the Project would be typical of those used for residential and commercial developments. 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.

(5) 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.

(a) Population

The Project includes 735 multi-family residential units. According to the Department of City Planning, the most recent estimated household size for multi-family housing units in the City of Los Angeles area is 2.41 persons per unit. Applying this factor, development of 735 multi-family residential units would result in a net increase of approximately 1,771 residents. According to the SCAG 2016–2040 Regional Transportation Plan/Sustainable Communities Strategy (2016–2040 RTP/SCS), the forecasted population for the City of Los Angeles in 2017 was approximately 3,981,911 persons. In 2026, the projected occupancy year of the Project, the City of Los Angeles is anticipated to have a population of approximately 4,227,450 persons. Thus, the 1,771 estimated net new residents generated by the Project would represent approximately 0.14 percent of the population growth in the SCAG region between 2017 and 2026, and approximately 0.72 percent of the projected population growth in the City during the same time period. Based on SCAG’s 2020–2045 RTP/SCS, the population of 1,771 persons generated by the Project would represent approximately 0.14 percent of the projected growth in the SCAG region between 2017 and 2026 (i.e., the Project’s baseline and buildout years), and 0.68 percent of the projected growth in the City of Los Angeles during the same period. Therefore, the Project’s residents would be well within SCAG’s population projections in both the 2016-2040 and 2020-2045 RTP/SCS for the Subregion and would not result in a significant direct growth-inducing impact.

(b) 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 vicinity of the Project Site, 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. Rather, the Project would provide a public benefit by providing new employment opportunities during the construction period.

With regard to employment during operation of the Project, the Project's 95,000 square feet of neighborhood serving commercial uses would generate a net increase of approximately 373 employees, based on employee generation rates published by LADOT. When existing uses are removed, this results in a net increase of 33 on-site employees. According to the 2016-2040 RTP/SCS, the employment forecast for the City of Los Angeles Subregion in 2017 was approximately 1,780,811 employees. In 2026, the projected occupancy year of the Project, the Subregion is anticipated to have approximately 1,932,750 employees. Based on SCAG's 2020–2045 RTP/SCS projections, there would be approximately 8,753,067 employees in the SCAG Region and 1,947,472 employees in the City of Los Angeles in 2026. The net increase would represent 0.02 percent of the employment growth projected in the City of Los Angeles by both the 2016-2040 and 2020-2045 RTP/SCS. Therefore, the Project would not cause an exceedance of SCAG's employment projections contained in the 2016-2040 and 2020-2045 RTP/SCS. In addition, the proposed neighborhood-serving commercial 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 with 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's market, retail, and restaurant uses would be unlikely to create an indirect demand for additional housing or households in the area.

## **XI. STATEMENT OF OVERRIDING CONSIDERATIONS**

The EIR identifies unavoidable significant impacts that would result from implementation of the project. Section 21081 of the California PRC and Section 15093(b) of the CEQA Guidelines provide that when a decision of a public agency allows the occurrence of significant impacts that are identified in the EIR, but are not at least substantially mitigated to an insignificant level or eliminated, the lead agency must state in writing the reasons to support its action based on the EIR and/or other information in the record. The State CEQA Guidelines require, pursuant to CEQA Guidelines Section 15093(b), that the decision-maker adopt a Statement of Overriding Considerations at the time of approval of a project, if it finds that significant

adverse environmental effects have been identified in the EIR that cannot be substantially mitigated to an insignificant level or be eliminated. These findings and the Statement of Overriding Considerations are based on the documents and materials that constitute the record of proceedings, including, but not limited to, the Final EIR and all technical appendices attached thereto.

Based on the analysis provided in Section IV, Environmental Impact Analysis, of the Draft EIR, implementation of the Project would result in significant Project-level impacts that cannot be feasibly mitigated with respect to on-site noise during construction and on-site vibration during construction (pursuant to the threshold for human annoyance). In addition, as evaluated in Section IV.F, Noise, of the Draft EIR, cumulative impacts with respect to on- and off-site construction noise would also be significant and unavoidable.

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 listed above.

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 temporary 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 Project would support city and regional housing goals.** The City's Housing Element states that the City must strive to meet the housing needs of the population in a manner that contributes to a stable, safe, and livable neighborhoods, and improves access to jobs and neighborhood services, particularly by encouraging future housing develop near transit corridors and stations. The Project would be consistent with this overall goal by providing 735 multi-family residential units to help meet housing demand.
- **The Project supports Smart Growth policies.** As an infill development, the Project will revitalize an underutilized site by providing a high-density, mixed-use and transit- and pedestrian-oriented development that provides a mix of

new housing opportunities that are integrated with commercial and office uses that provide new employment and commercial opportunities for the surrounding community. Furthermore, the Project would not require the extension of roads or utility infrastructure and would not result in urban sprawl. The Project would also provide housing in close proximity to existing jobs, thereby contributing to jobs-housing balance. These characteristics are consistent with good planning practice, and would reduce VMT, fuel consumption, and associated greenhouse gas emissions.

- **The Project Would Provide Economic Development, Employment Opportunities and Tax Revenue for the City.** The Project will generate employment opportunities for the local community and surrounding area by providing for new commercial uses that will generate approximately 375 permanent jobs. Additionally, the Project will provide 95,000 square feet of neighborhood-serving commercial uses, including market/retail and restaurant uses to strengthen viable commercial development in the community and to provide additional opportunities for new commercial development and services.
- **Site Redevelopment.** The Project would substantially improve the existing underutilized Project Site, by introducing an infill mixed-use development, offering new housing, and neighborhood serving retail and restaurant uses. The Project would incorporate a pedestrian-oriented building design, providing publicly accessible open space and an improved streetscape, and would enhance the pedestrian environment by providing security and building lighting. The Project will provide a well-designed development that is compatible with and complementary to surrounding land uses.
- The Project will mitigate, to the extent feasible, the potential environmental impacts of the proposed Project.
  - All significant and unavoidable impacts are temporary and will terminate upon completion of construction.

## **XII. GENERAL FINDINGS.**

1. The City, acting through the Department of City Planning, is the “Lead Agency” for the Project that is evaluated in the EIR. The City finds that the EIR was prepared in compliance with CEQA and the CEQA Guidelines. The City finds that it has independently reviewed and analyzed the EIR for the Project, that the Draft EIR, which was circulated for public review, reflected its independent judgment, and that the Final EIR reflects the independent judgment of the City.
2. The EIR evaluated the following potential project and cumulative environmental impacts: Air Quality, Cultural Resources, Energy, Greenhouse Gas Emissions, Land Use, Noise, Public Services, Transportation, Tribal Cultural Resources, and Utilities. Additionally, the EIR considered Growth Inducing Impacts and Significant Irreversible Environmental Changes. The

significant environmental impacts of the Project and the alternatives were identified in the EIR.

3. The City finds that the EIR provides objective information to assist the decision-makers and the public at large in their consideration of the environmental consequences of the Project. The public review period provided all interested jurisdictions, agencies, private organizations, and individuals the opportunity to submit comments regarding the Draft EIR. The Final EIR was prepared after the review period and responds to comments made during the public review period.
4. Textual refinements were compiled and presented to the decision-makers for review and consideration. The City staff has made every effort to notify the decision-makers and the interested public/agencies of each textual change in the various documents associated with Project review. These textual refinements arose for a variety of reasons. First, it is inevitable that draft documents would contain errors and would require clarifications and corrections. Second, textual clarifications were necessitated to describe refinements suggested as part of the public participation process.
5. The Department of City Planning evaluated comments on environmental issues received from persons who reviewed the Draft EIR. In accordance with CEQA, the Department of City Planning prepared written responses describing the disposition of significant environmental issues raised. The Final EIR provides adequate, good faith and reasoned response to the comments. The Department of City Planning reviewed the comments received and responses thereto and has determined that neither the comments received nor the responses to such comments add significant new information regarding environmental impacts to the Draft EIR. The Lead Agency has based its actions on full appraisal of all viewpoints, including all comments received up to the date of adoption of these findings, concerning the environmental impacts identified and analyzed in the EIR.
6. The Final EIR documents changes to the Draft EIR. The Final EIR provides additional information that was not included in the Draft EIR. Having reviewed the information contained in the Draft EIR and the Final EIR and in the administrative record, as well as the requirements of CEQA and the CEQA Guidelines regarding recirculation of Draft EIRs, the City finds that there are no new significant impacts, substantial increase in the severity of a previously disclosed impact, significant information in the record of proceedings, or other criteria under CEQA that would require recirculation of the Draft EIR, or preparation of a supplemental or subsequent EIR. Specifically, the City finds that:
  - a. 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.

- b. 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.
  - c. None of the information submitted after publication of the Final EIR, including testimony at and documents submitted for 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.
  - d. The mitigation measures identified for the Project were included in the Draft and Final EIRs. 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 less than significance by the feasible mitigation measures identified in the MMP.
7. CEQA requires the Lead Agency approving a project to adopt an MMP or the changes to the project which it has adopted or made a condition of project approval to ensure compliance with the mitigation measures during project implementation. The mitigation measures included in the EIR as certified by the City serve that function. The MMP includes all 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 PRC Section 21081.6, the City hereby adopts the MMP.
  8. In accordance with the requirements of PRC Section 21081.6, the City hereby adopts each of the mitigation measures expressly set forth herein as conditions of approval for the Project.
  9. The custodian of the documents or other material which constitute the record of proceedings upon which the City's decision is based is the Department of

City Planning, Environmental Review Section, 221 North Figueroa Street,  
Room 1350, Los Angeles, California 90012.

10. The City finds and declares that substantial evidence for each and every finding made herein is contained in the EIR, which is incorporated herein by this reference, or is in the record of proceedings in the matter.
11. The City is certifying an EIR for, and is approving and adopting findings for, the entirety of the actions described in these Findings and in the EIR as comprising the Project.
12. The EIR is a project EIR for purposes of environmental analysis of the Project. A project EIR examines the environmental effects of a specific project. The EIR serves as the primary environmental compliance document for entitlement decisions regarding the Project by the City and other regulatory jurisdictions.



JONATHAN A. HERSHEY, AICP  
Associate Zoning Administrator

JAH:MZ:AC:pm

cc: Councilmember Mitch O'Farrell  
Thirteenth Council District  
Adjoining Property Owners  
Interested Parties