

IV. Environmental Impact Analysis

E. Land Use and Planning

1. Introduction

This section evaluates the Proposed Project's potential impacts relative to conflicts with policies, plans, or ordinances adopted to mitigate or avoid an environmental impact. This section identifies the existing zoning regulations (i.e., the Los Angeles Municipal Code) and various elements and policies of the City of Los Angeles General Plan, including the Wilshire Community Plan, that are applicable to the Project Site or Project, and provides an analysis of the Proposed Project's conformance to said plans. Additionally, this section identifies applicable regional planning policies and analyzes the Proposed Project's consistency with applicable objectives and policies.

2. Environmental Setting

a) Regulatory Framework

(1) Regional Plans

At the regional level, the Project Site is located within the planning area of SCAG, the region's federally-designated metropolitan planning organization (MPO). The Proposed Project is also located within the South Coast Air Basin (SCAB) and therefore is within the jurisdiction of the SCAQMD and is thus subject to SCAQMD's Air Quality Management Plan (AQMP). As discussed below, in accordance with Government Code section 65088.3, as of August 28, 2019, jurisdictions within Los Angeles County are exempt from the California Congestion Management Program (CMP) (Govt. Code § 65088 *et seq.*).

(a) Southern California Association of Governments (SCAG)

SCAG is a federally designated MPO representing six counties (Ventura, Orange, San Bernardino, Riverside, Imperial, and Los Angeles). SCAG is mandated by federal and State law to research and develop plans for transportation, growth management, hazardous waste management, and a regional growth forecast that is the foundation for these plans and regional air quality plans developed by the SCAQMD. SCAG divides its

planning area into 15 subregions. The Project Site is located within the City of Los Angeles subregion.

On September 1, 2020, SCAG's Regional Council adopted an updated Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) known as the 2020–2045 RTP/SCS or Connect SoCal. As with the 2016–2020 RTP/SCS, the purpose of the 2020–2045 RTP/SCS is to meet the mobility needs of the six-county SCAG region over the subject planning period through a roadmap identifying sensible ways to expand transportation options, improve air quality and bolster Southern California long-term economic viability.¹ The goals and policies of the 2020–2045 RTP/SCS are similar to, and consistent with, those of the 2016–2040 RTP/SCS. Hence, because the Proposed Project would be consistent with the 2016–2040 RTP/SCS as discussed later in this section, the Proposed Project would also be consistent with the 2020–2045 RTP/SCS.² Because the 2020–2045 RTP/SCS was adopted by SCAG subsequent to both circulation of the Notice of Preparation (NOP) for the Project on February 20, 2019 and approval by LADOT of the Transportation Assessment for the Project on March 26, 2020, this section and the balance of this Draft EIR provided detailed analysis of Project consistency with the 2016–2040 RTP/SCS.

Based on the regional growth projections in the 2016-2040 RTP/SCS, in 2012, the City had an estimated permanent population of approximately 3,845,500 persons, approximately 1,325,500 residences, and 1,696,400 jobs.³ By the year 2040, SCAG forecasts that the City will increase to 4,609,400 persons (an approximate 20 percent increase from 2012) with approximately 1,690,300 residences (an approximate 28 percent increase from 2012) and approximately 2,169,100 jobs (an approximate 28 percent increase from 2012).⁴

(b) *Los Angeles County Congestion Management Plan*

The Congestion Management Program (CMP) was established statewide in 1990 to implement Proposition 111, tying appropriation of new gas tax revenues to congestion

¹ SCAG, *News Release: SCAG Regional Council Formally Adopts Connect SoCal, September 3, 2020.*

² For example, the Proposed Project would be consistent with both the 2016–2040 RTP/SCS and the 2020–2045 RTP/SCS because it would increase urban density within an High Quality Transit Area (HQTA) located less than 0.5 miles from a planned Metro Purple light rail station and in close proximity to more than a dozen bus routes, would include transit-oriented development, and would implement TDM, all of which would reduce the City's per capita VMT and associated air emissions. Another example is that because the Proposed Project would be consistent with the City's existing General Plan land use designation and zoning of the Project Site, it has been accounted for in the regional growth projections in both the 2016–2040 RTP/SCS and 2020–2045 RTP/SCS.

³ Southern California Association of Government, *2016-2040 Regional Transportation Plan / Sustainable Communities Strategy, Demographics and Growth Forecast Appendix, adopted April 2016.*

⁴ *Ibid.*

reduction efforts. CMP is managed at the countywide level and primarily uses an LOS performance metric, which is inconsistent with more recent state efforts to transition to VMT-based performance metrics. California Government Code Section 65088.3 allows counties to opt out of CMP requirements without penalty, if a majority of local jurisdictions representing a majority of a county's population formally adopt resolutions requesting to opt out of the program.

On June 20, 2018, Los Angeles County Metropolitan Transportation Authority (Metro) initiated a process to gauge the interest of local jurisdictions in opting out of State CMP requirements. On July 30, 2019, the Los Angeles City Council passed a resolution to opt out of the CMP program, and on August 28, 2019, Metro announced that the thresholds had been reached and the County of Los Angeles had opted to be exempt from CMP. As such, the provisions of CMP no longer apply to any of the 89 local jurisdictions in Los Angeles County. Accordingly, CMP analysis is no longer included in City of Los Angeles environmental documents.

(c) *South Coast Air Quality Management District (SCAQMD)*

The SCAQMD is the agency principally responsible for comprehensive air pollution control in the Basin. To that end, the SCAQMD, a regional agency, works directly with SCAG, county transportation commissions and local governments, and cooperates actively with state and federal government agencies. The SCAQMD develops air quality related rules and regulations, establishes permitting requirements, inspects emissions sources, and provides regulatory enforcement through such measures as educational programs or fines, when necessary.

The SCAQMD is directly responsible for reducing emissions from stationary (area and point), mobile, and indirect sources to meet federal and state ambient air quality standards. SCAQMD has responded to this requirement by preparing a series of AQMPs. The most recent AQMP was adopted by the SCAQMD Governing Board on March 3, 2017. The AQMP represents a thorough analysis of existing and potential regulatory control options, includes available, proven, and cost-effective strategies, and seeks to achieve multiple goals in partnership with other entities promoting reductions in greenhouse gases and toxic risk, as well as efficiencies in energy use, transportation, and goods movement. The AQMP recognizes the critical importance of working with other agencies to develop funding and incentives that encourage the accelerated transition to cleaner vehicles, and the modernization of buildings and industrial facilities to cleaner technologies in a manner that benefits air quality as well as local businesses and the regional economy. A detailed analysis of the applicable provisions of the 2016 AQMP and other SCAQMD planning related policies are discussed in greater detail in Section IV.A, Air Quality, and IV.C, Greenhouse Gas Emissions of this Draft EIR.

(2) Local Plans

Development within the City is guided by the City of Los Angeles General Plan (General Plan), which provides general guidance on land use development and planning policies, and the City of Los Angeles Planning and Zoning Code (LAMC, Chapter 1, Articles 1-9), which governs land use through specific development and design standards (i.e., allowable uses, density, building height, building setbacks, etc.) for individual properties. The Project Site is located within the Wilshire Community Planning area. Additionally, the City has identified specific Zoning Information (ZI) bulletins that apply to the Project Site that are addressed in further detail below. The Project Site is located within the Department of Conservation Division of Oil and Gas Clearance area (ZI-1195), and is within a designated Transit Priority Area (ZI No. 2452). Other applicable citywide policies that are addressed below include the Citywide Design Guidelines.

(a) *City of Los Angeles General Plan*

The City's General Plan is a comprehensive, long-range declaration of purposes, policies, and programs to guide future development and growth within the City. A number of these principles, policies, and objectives serve to mitigate environmental effects. The General Plan is a dynamic document, which includes a Framework Element, Air Quality Element, Conservation Element, Housing Element, Noise Element, Open Space Element, Service Systems Element/Public Recreation Plan, Safety Element, Mobility Plan 2035, a Plan for a Healthy Los Angeles, and the Land Use Element. The Land Use Element contains 35 Community Plans that guide land use at the local level.⁵ The Project Site is located within the boundaries of the Wilshire Community Plan area.

(i) *Framework Element of the General Plan*

The Framework Element was adopted in December 1996 and readopted in August 2001. The Framework Element is a strategy for long-term growth which sets a citywide context to guide the update of the community plans and citywide elements. For future planning, the City is using population forecasts provided by the SCAG.

The Framework Element defines Citywide policies that are implemented through subsequent amendments of the City's community plans, zoning ordinances, and other pertinent programs. While the Framework Element incorporates a diagram that depicts the generalized distribution of centers, districts, and mixed-use boulevards throughout the City, it does not convey entitlements for any property. Specific land use designations are determined by the community plans. The Framework Element provides guidelines for

⁵ *City of Los Angeles, Department of City Planning, General Plan Elements, accessed March 2019.*

future updates to the City's community plans. It does not supersede the more detailed community and specific plans.

The Framework Element defines Citywide policies that influence the City's General Plan Elements. It includes seven general chapters with policies for land use, housing, urban form and neighborhood design, open space and conservation, economic development, transportation, and infrastructure and public services.

1) Land Use: The primary objectives of the policies in the Land Use Chapter are to support the viability of the City's residential neighborhoods and commercial districts, and, when growth occurs, to encourage sustainable growth in a number of higher-intensity commercial and mixed-use districts, centers and boulevards and industrial districts particularly in proximity to transportation corridors and transit stations.

2) Housing: The overarching goal of the Housing Chapter of the Framework Element is to define the distribution of housing opportunities by type and cost for all residents of the City. The Housing Chapter provides the following policies to achieve this goal through a number of measures:

- Concentrating opportunities for new development in the City's Neighborhood Districts and in Community Centers, Regional Centers, and the Downtown Center, as well as along primary transit corridors/boulevards;
- Providing development opportunities along boulevards located near existing or planned major transit facilities and areas characterized by low-intensity or marginally viable commercial uses with structures that integrate commercial, housing, and/or public service uses; and
- Focusing mixed uses around urban transit stations, while protecting and preserving surrounding low-density neighborhoods from the encroachment of incompatible land uses.

3) Urban Form and Neighborhood Design: The Urban Form and Neighborhood Design Chapter defines "urban form" as (a) the "general pattern of building height and development intensity" and (b) the "structural elements" that define the City physically, such as natural features, transportation corridors (including the planned fixed rail transit system), open space, public facilities, as well as activity centers and focal elements. The Framework Element does not directly address the design of individual neighborhoods or communities, but embodies general neighborhood design and implementation programs that guide local planning efforts and lay a foundation for updating the community plans.

4) Open Space and Conservation: The Open Space and Conservation Chapter's objectives are oriented around the provision, management, and conservation of public open space resources, including the provision of outdoor recreational opportunities, minimization of public risks from environmental hazards, and use of open space to enhance community and neighborhood character.

5) Economic Development: The Economic Development Chapter's policies are designed to facilitate job growth by emphasizing that the City plays a proactive role in the retention and attraction of businesses to ensure a sufficient job base to maintain and enhance the quality of life.

6) Transportation: The primary goals of the Transportation Chapter are to provide adequate accessibility to commerce, to work opportunities, and to essential services, and to maintain acceptable levels of mobility of all those who live, work, travel, or move goods in Los Angeles.

As discussed in the Transportation Chapter of the Framework Element, the goals, objectives, policies, and related implementation programs of the Transportation Chapter are set forth in the Transportation Element of the General Plan adopted by the City in September 1999. As an update to the Transportation Element, the City Council initially adopted Mobility Plan 2035 (Mobility Plan) in August 2015. The Mobility Plan 2035 was readopted in January 2016 and amended in September 2016.⁶ Accordingly, the goals of the Transportation Chapter of the Framework Element are now implemented through the Mobility Plan 2035.

7) Infrastructure and Public Services: The goals, objectives, and policies found within the Infrastructure and Public Services Chapter address wastewater, stormwater, water, solid waste, police, fire, libraries, parks, power, schools, telecommunications, street lighting, and urban forest. For each of the public services and infrastructure systems, basic policies call for monitoring service demands and forecasting the future need for improvements, maintaining an adequate system/service to support the needs of population and employment growth, and implementing techniques that reduce demands on utility infrastructure or services.

The Proposed Project's consistency with applicable goals, objectives, and policies in the Framework Element is discussed in the impact analysis below under **Threshold (b)**. A detailed list of the goals, objectives, and policies of the Framework Element applicable to the Project Site is included in Table 1 of Appendix M of this Draft EIR along with a

⁶ Los Angeles Department of City Planning, *Mobility Plan 2035: An Element of the General Plan*, approved by City Planning Commission on June 23, 2016 and adopted by City Council on September 7, 2016.

discussion of whether the Project does or does not conflict with that particular goal, objective, or policy.

(ii) *2013-2021 Housing Element*

The City of Los Angeles 2013-2021 Housing Element was adopted in December 2013 and updates the previous 2006-2014 Housing Element.⁷ The purpose of the Housing Element is to meet the housing needs of the City's growing population, which includes not only more units, but also a broader array of housing types and price points. The Housing Element provides the foundation for residential development within the City of Los Angeles by providing goals, objectives, policies and programs to develop in a sustainable way that respects the collection of unique neighborhoods, ensures a high quality of life of all residents, ensures a vibrant economy and accessibility to jobs, open space, and urban amenities. The Housing Element directs growth to transit-oriented and job-rich centers and supporting the growth with smart, sustainable infill development and infrastructure investments.

The Proposed Project's consistency with the applicable goals, objectives, and policies set forth in the Housing Element of the General Plan is discussed in the impact analysis below under **Threshold (b)**. A detailed list of the goals, objectives, and policies of the Housing Element applicable to the Project Site is included in Table 3 of Appendix M of this Draft EIR along with a discussion of whether the Proposed Project does or does not conflict with that particular goal, objective, or policy.

(iii) *Wilshire Community Plan (Land Use Element)*

The General Plan Land Use Element is comprised of 35 separate Community Plan Areas (CPAs), each of which is governed by its own Community Plan that is intended to implement the policies of the General Plan Framework at the community levels. The Community Plans are intended to promote an arrangement of land uses, streets and services which will encourage and contribute to the economic, social and physical health, safety, welfare and convenience of the people who live and work in the community.

The Project Site is located within the Wilshire Community Plan area, which was last revised in September 2001. The Wilshire Community Plan area includes approximately 8,954 acres and has a pattern of low to medium density residential uses interspersed with areas of higher density residential uses. Long narrow corridors of commercial activity can be found along major streets including Wilshire Boulevard, Pico Boulevard, La Cienega Boulevard, Western Avenue and Vermont Avenue. The Community Plan area east of

⁷ *City of Los Angeles, City of Los Angeles Housing Element (2013-2021), December 3, 2013.*

Western Avenue contains large concentrations of higher-density residential neighborhoods surrounding the regional commercial area known as “Wilshire Center.”

The Wilshire Community Plan area is often referred to as the Mid-City section of the City. The eastern edge of the approximately 2.5-mile wide by 6-mile long plan area is about 6 miles west of downtown Los Angeles, while the western edge abuts the City of Beverly Hills. The Wilshire Community Plan area is bounded by Melrose Avenue and Rosewood Avenue to the north; 18th Street, Venice Boulevard and Pico Boulevard to the south; Hoover Street to the east; and the cities of West Hollywood and Beverly Hills to the west.⁸ The Wilshire Community Plan aims to maintain the Community Plan area’s distinctive character by:

- Enhancing the positive characteristics of residential neighborhoods while providing a variety of housing opportunities;
- Improving the function, design and economic vitality of commercial areas;
- Preserving and enhancing the positive characteristics of existing uses which provide the foundation for community identity, such as scale, height, bulk, setbacks and appearance;
- Maximizing development opportunities around existing and future transit systems while minimizing adverse impacts;
- Preserving and strengthening commercial developments to provide a diverse job-producing economic base; and
- Improving the quality of the built environment through design guidelines, streetscape improvements, and other physical improvements which enhance the appearance of the community.⁹

As shown in Figure IV.E-1, Land Use Designations for the Project Site and Vicinity, the Wilshire Community Plan designates the Project Site for “Community Commercial” land uses. The Community Commercial land use designation corresponds to the following zones: CR (Limited Commercial), C2 (Commercial), C4 (Commercial),¹⁰ RAS3 (Residential/Accessory Services), RAS4 (Residential/Accessory Services), P (Automobile Parking), PB (Parking Building). Additionally, in the vicinity of the Project Site, S. Fairfax Avenue is designated as a Mixed Use Boulevard as discussed in the Community Plan and shown in Figure 3-1: Land Use Diagram: Metro Los Angeles

⁸ City of Los Angeles Department of City Planning, *Wilshire Community Plan*, September 19, 2001.

⁹ City of Los Angeles Department of City Planning, *Wilshire Community Plan*, September 2001, page II-3.

¹⁰ *Height District 1*

Geographical Area, in the Framework Element. The Proposed Project is consistent with these land use designations, as further analyzed below.

The Proposed Project's consistency with applicable land use goals, objectives, and policies in the Wilshire Community Plan is discussed in the impact analysis below under **Threshold (b)**. A detailed list of the goals, objectives, and policies of the Wilshire Community Plan applicable to the Project Site is included in Table 4 of Appendix M of this Draft EIR along with a discussion of whether the Proposed Project does or does not conflict with that particular objective or policy.

(iv) Mobility Plan 2035

The Mobility Plan 2035 of the City of Los Angeles General Plan (Mobility Plan 2035), amended and adopted September 7, 2016, is designed to provide a policy foundation for the transportation system within the City of Los Angeles. The Mobility Plan 2035 identifies five key goals that define the City's high-level mobility priorities. These key goals are further discussed below:

- Safety First: Crashes, speed, protection, security, safety education, and enforcement.
- World Class Infrastructure: Design, Complete Street Network (walking, bicycling, transit, vehicles, and good movement), bridges, highways, and smart investments.
- Access for All Angelenos: Affordability, vulnerable users, land use, operations, reliability, demand management, and community connection.
- Collaboration, Communication, and Informed Choices: Real-time information, open-source data, transparency, monitoring, reporting, departmental and agency cooperation, database management, parking options, loading and unloading, and goods movement.
- Clean Environments and Healthy Communities: Environment, public health, clean air, and clean fuels and fleets.

(v) Conservation Element

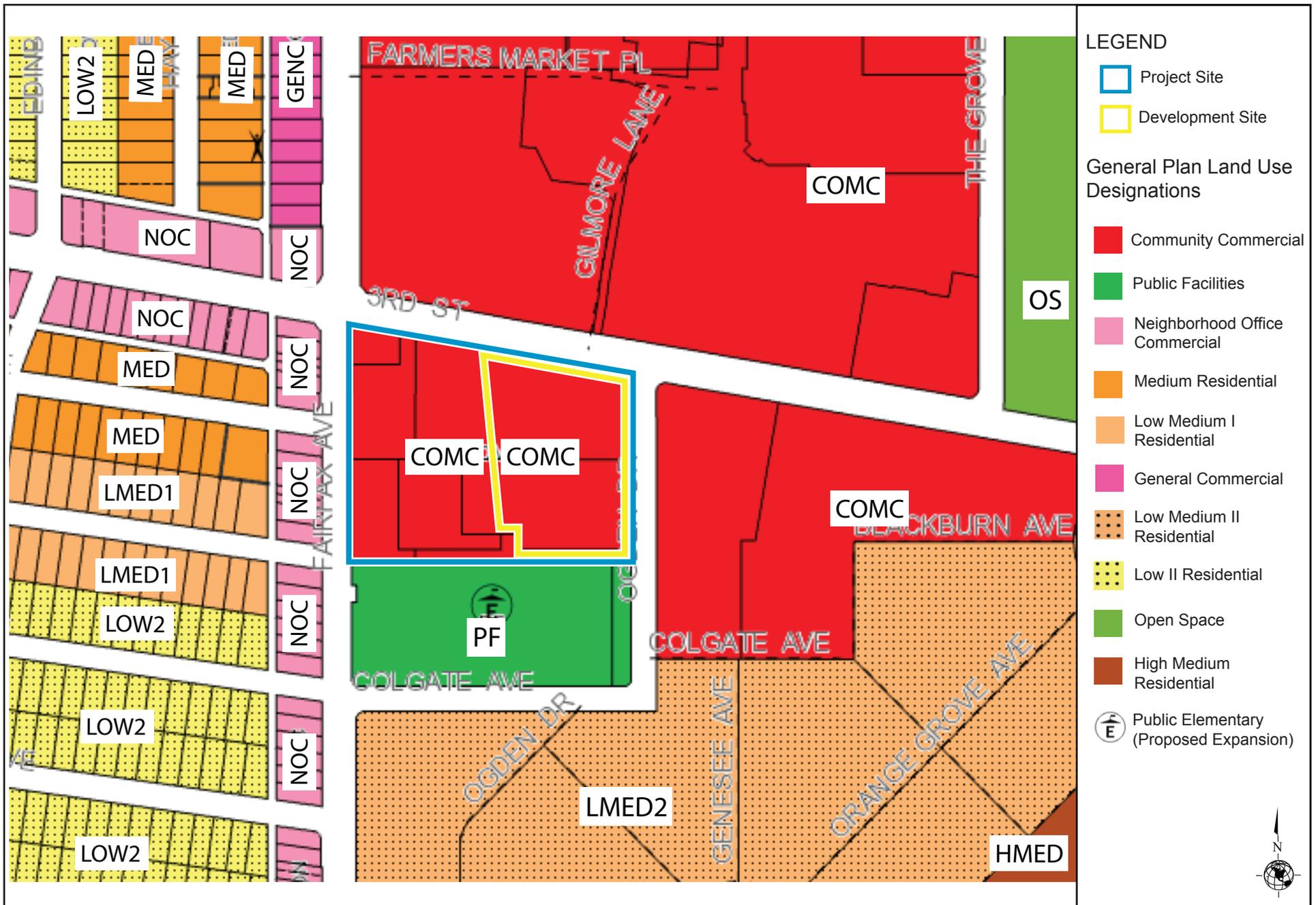
The Conservation Element of the City of Los Angeles General Plan, adopted March 10, 2001, primarily addresses preservation, conservation, protection, and enhancement of the City's natural resources. Chapter II of the Conservation Element contains several goals, objectives, and policies that may be pertinent to the proposed Project. Key goals, objectives, and policies of the Conservation Element include:

- A city that preserves, protects, and enhances its existing natural and related resources;
- Protect important cultural and historical sites and resources for historical, cultural, research, and community educational purposes;
- Continue to protect historic and cultural sites and/or resources potentially affected by proposed land development, demolition or property modification activities; and
- Continue to require evaluation, avoidance, and minimization of potential significant impacts, as well as mitigation of unavoidable significant impacts on sensitive animal and plant species and their habitats and habitat corridors relative to land development.

(b) *City of Los Angeles Municipal Code (LAMC)*

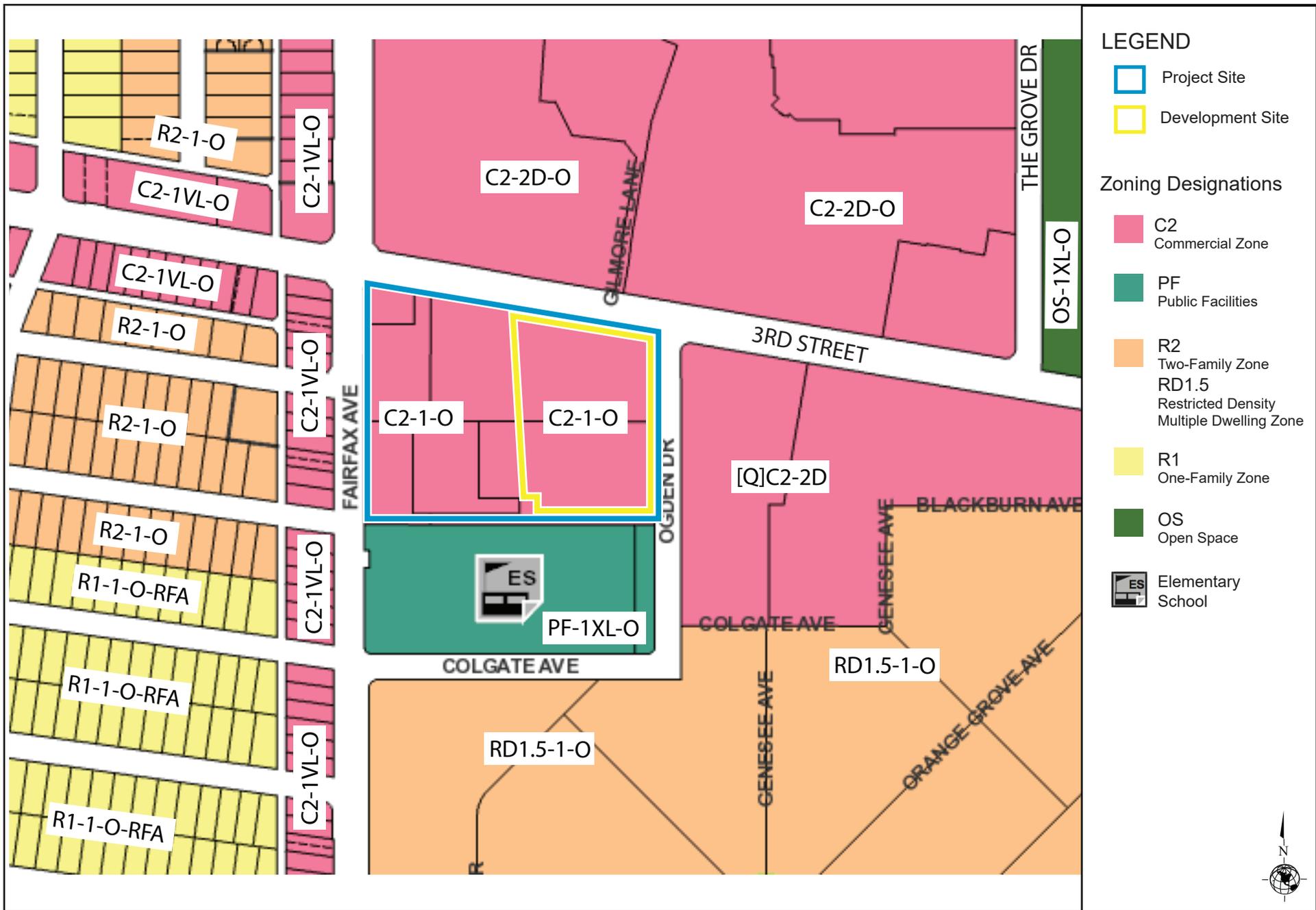
(i) *Zoning*

As shown in Figure IV.E-2, Zoning Designations for the Project Site and Vicinity, the Project Site is located in the C2-1-O (Commercial) zone. As discussed above, the C2 zone corresponds to the Community Commercial land use designation. Land uses permitted in the C2 zone include those uses allowed in the C1.5 zone, retail with limited manufacturing, service stations and garages, churches, schools, auto sales, and residential uses permitted in the R4 zone. Pursuant to LAMC Section 12.13.5, residential uses associated with an R4 Zone (multi-family) are permitted in the C2 Zone provided that all regulations of the R4 zone are complied with. There is no building height limit for the underlying C2 zone. The 1 designation indicates that the Project Site is located in Height District 1, which, according to LAMC Section 12.21.1, does not specify a maximum height but prohibits the total floor area from exceeding 1.5 times the buildable area of the lot (Floor Area Ratio, or FAR). Figure IV.E-2, Zoning Designations for the Project Site and Vicinity, shows the existing zoning for the Project Site and the parcels surrounding the Project Site. The Proposed Project is consistent with these zoning standards, as further analyzed below.



Source: ZIMAS, City of Los Angeles, Department of City Planning, 2018; Parker Environmental Consultants.

Figure IV.E-1
Land Use Designations for the Project Site and Vicinity



Source: ZIMAS, City of Los Angeles, Department of City Planning, 2018; Parker Environmental Consultants.

Figure IV.E-2
Zoning Designations for the Project Site and Vicinity

(ii) *California Geologic Energy Management Division Clearance Area (ZI No. 1195)*

The Project Site is located within an area that would require clearance from the California Geologic Energy Management Division (CalGEM) prior to issuing a building permit (ZI-1195). Clearance would include filing a construction site review application. The Project Site is located in an oil-drilling field, specifically the Salt Lake Oil Field. Two oil wells are located on the Project Site (Chevron USA Well No. 99 and 102), with one well (well No. 99) occurring within the boundaries of the Development Site. Both wells are recorded as having been plugged and abandoned.¹¹ No oil drilling activities currently occur or are proposed on the Project Site. (See Section IV.D, Hazardous Materials, with respect to the oil well re-abandonment process).

(iii) *Transit Priority Area (ZI No. 2452)*

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

The Development Site, which is currently developed with 151,048 square feet of commercial retail land uses, is an infill site within a Transit Priority Area as defined by SB 743.¹² The bus service in the vicinity of the Project Site is operated primarily by Metro and LADOT. Specifically, major bus routes that serve the Project Site include the Metro local

¹¹ *State of California, California Geologic Energy Management Division (CalGEM) Well Finder, website: <https://maps.conservation.ca.gov/doggr/wellfinder/#/-118.94276/37.10257/6>, accessed June 2020.*

¹² *City of Los Angeles, Department of City Planning, City of Los Angeles Zoning Information and Map Access System (ZIMAS), Parcel Profile Report, accessed December 2016.*

bus lines 16 and 316, located on W. 3rd Street.^{13,14} Other Metro local bus lines not defined as a major bus route but that serve the Project vicinity include: Metro Lines 780, 217, 218, and 17. Additionally, the Project Site is also served by LADOT DASH Fairfax bus route, which includes a stop adjacent to the Project Site and provides service throughout the Mid-City West community. The Project Site is also situated within walking distance to retail, restaurants, and other commercial businesses located in the Wilshire area and in particular along Wilshire Boulevard.

(c) *Citywide Design Guidelines*

The Citywide Design Guidelines, adopted by the City Planning Commission on June 9, 2011, were first organized in three separate documents, addressing residential, commercial and industrial developments. The Citywide Design Guidelines were updated and adopted on October 24, 2019 and represent a comprehensive update and consolidation into a single document. The new Citywide Design Guidelines focus on three distinct design approaches: Pedestrian-First Design, 360 Degree Design, and Climate-Adapted Design. The Citywide Design Guidelines establishes 10 guidelines to carry out the common design objectives that maintain neighborhood form and character while promoting quality design and creative infill development solutions. The Citywide Design Guidelines are intended to: foster design innovation and creativity; promote design excellence; communicate the City's design expectations; facilitate fair and consistent application of design objectives; protect investment throughout the City by encouraging consistently high-quality development; encourage development of projects appropriate to the context of the City's climate and urban environment; facilitate safe, functional, and attractive development; and foster a sense of community and encourage pride and stewardship.

The Citywide Design Guidelines apply to all new development and substantial building alterations that seek a discretionary action for which the Department of City Planning has design authority. While not all projects seeking entitlements from the City will be required to demonstrate their alignment with the design approaches, all projects - even by-right projects – are encouraged to consider how the project design and building performance can be enhanced by incorporating the intent of the Citywide Design Guidelines into the project design.

The approval process for new development is guided by the General Plan and the Los Angeles Municipal Code including specific plans and other overlays that apply in certain

¹³ Los Angeles Metropolitan Area Transit Authority, Line 780 Weekday Bus Schedule: website: http://media.metro.net/riding_metro/bus_overview/images/preview/780.pdf, accessed June 2020.

¹⁴ Los Angeles Metropolitan Area Transit Authority, Line 16/316 Weekday Bus Schedule: website: <https://media.metro.net/documents/a89cf0f0-f61f-4c59-8639-324c9ad5a2a2.pdf>, accessed June 2020.

areas. These regulations include prescriptive requirements that may shape components of a building's site plan or architectural design. Design Guidelines, by contrast, provide a less prescriptive, more flexible way of conveying design expectations and shaping proposed projects but are not intended to supersede the Municipal Code and/or other regulatory documents such as specific plans and overlays.

The Proposed Project's consistency with the objectives of the Citywide Design Guidelines is discussed in the impact analysis below under **Threshold (b)**.

b) Existing Conditions

(1) Project Site and Development Site

As discussed in Section II, Project Description, the Development Site occupies an approximate 3.15-acre portion of the existing 7.51-acre Town and Country Shopping Center ("Center" or "Project Site"). The Project Site is developed with 214,736 square feet of commercial retail land uses, of which 151,048 square feet occurs within the Development Site boundaries.

On the western portion of the Project Site, a one-story building, containing approximately 14,496 square feet, is occupied by a CVS pharmacy/drug store. South of the CVS pharmacy building is an adjacent one-story retail building containing approximately 1,746 square feet, and a separate storage shed with approximately 900 square feet. The retail space east of the CVS pharmacy building is occupied by a 40,104 square foot Whole Foods grocery store. In addition, there is a one-story bank, containing approximately 6,442 square feet located at the corner of S. Fairfax Avenue and W. 3rd Street.

The existing land uses within the Development Site boundaries include the patio shops east, comprised of 19,175 square feet of retail land uses (including 13,090 square feet of general retail space and 6,085 square feet of restaurant space) and an approximately 131,873 square foot K-Mart retail store. An outdoor patio exists within the Development Site boundaries between the existing commercial structures on the western portion of the Project Site and the existing commercial structures on the Development Site. The remainder of the Development Site is an asphalt paved surface parking lot.

Access to the Project Site is provided by two driveways on the east side of S. Fairfax Avenue, two driveways on the south side of W. 3rd Street, and two driveways on the west side of S. Ogden Drive for access and circulation. There is also an existing service driveway on the south side of the Project Site on S. Ogden Drive that provides access to the rear of the commercial uses. Photographs depicting the existing conditions of the land uses on the Project Site are provided in Figure II-3 and Figure II-4 in Section II, Project Description.

(2) Surrounding Land Uses

The properties surrounding the Project Site include commercial uses, multi-family residential uses, schools, and surface parking lots and have General Plan land use designations of Community Commercial, Public Facilities, and Neighborhood Office Commercial. Photographs of the land uses immediately surrounding the Project Site are provided in Figure II-5 and Figure II-6, located in Section II, Project Description. Detailed descriptions of the surrounding land uses are provided below.

North: West 3rd Street borders the Project Site to the immediate north. West 3rd Street provides two to three travel lanes in each direction and is classified as an Avenue II. Properties to the north of W. 3rd Street are zoned for commercial uses with zoning designation of C2-2D-O with a General Plan Land Use designation of Community Commercial, similar to the Project Site. The Original Farmers Market with one- to two-story commercial buildings and surface parking lot is located north of the Project Site. The Grove with one- to three-story commercial buildings and an eight-story parking garage is also located north of the Project Site. See Figure II-6, Views 15 through 18.

West: South Fairfax Avenue borders the Project Site to the immediate west. South Fairfax Avenue provides two travel lanes in each direction and is classified as an Avenue II.¹⁵ Properties to the west of S. Fairfax Avenue are zoned for commercial uses with zoning designations of C2-1VL-O and C2-1LD-O with a General Plan Land Use designation of Neighborhood Office Commercial, and developed with the Writer's Guild office building. Properties further to the west include residential uses and are zoned R2-1-O, [Q]R3-1-O, and R3-1-O. See Figure II-6, Views 20 and 21.

East: South Ogden Drive borders the Project Site to the immediate east. South Ogden Drive provides one travel lane in each direction and is classified as a Local Street.¹⁶ Properties to the east of S. Ogden Drive are zoned for commercial uses with a zoning designation of [Q]C2-2D and a General Plan Land Use designation of Community Commercial, similar to the Project Site. These properties include a one-story commercial building with surface parking lots and five-story multi-family residential buildings, known as the Park La Brea apartments. Properties further to the east include residential uses and are zoned RD1.5-1-O. Refer to Figure II-2, Zoning and General Plan Land Use Designations. See Figure II-6, View 19.

South: The property to the south is the Hancock Park Elementary School, which includes one- to two-story buildings, surface parking lots, and outdoor open space. The interface

¹⁵ *City of Los Angeles, Department of City Planning, Mobility Plan 2035 An Element of the General Plan, September 7, 2016.*

¹⁶ *Ibid.*

between the school and the Project Site is currently a service driveway (on the Project side) and a chain link fence, limited landscaping, an asphalt paved area, and facility buildings (on the school side). The elementary school is zoned PF-1XL-O with a General Plan Land Use designation of Public Facilities. Properties further south, across Colgate Avenue, include multi-family residential buildings zoned RD1.5-1-O with a General Plan Land Use designation of Low Medium II Residential. See Figure II-5, Views 13 and 14.

3. Project Impacts

a) Thresholds of Significance

In accordance with Appendix G of the State CEQA Guidelines, a project may have a significant environmental impact if it were to:

Threshold (a) Physically divide an established community;

Threshold (b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.

For this analysis, the Appendix G Thresholds are relied upon. The analysis utilizes factors and considerations identified in the 2006 L.A. CEQA Thresholds Guide, as appropriate, to assist in answering the Appendix G Threshold questions. The L.A. CEQA Thresholds Guide (Thresholds Guide) identifies the following criteria to evaluate land use:

(a) Land Use Consistency

- *Whether the proposal is inconsistent with the adopted land use/density designation in the Community Plan, redevelopment plan or specific plan for the site;*
- *Whether the proposal is inconsistent with the General Plan or adopted environmental goals or policies contained in other applicable plans;*

(b) Land Use Compatibility

- *The extent of the area that would be impacted, the nature and degree of impacts, and the type of land uses within that area; and*
- *The extent to which existing neighborhoods, communities, or land uses would be disrupted, divided or isolated, and the duration of the disruptions; and*
- *The number, degree, and type of secondary impacts to surrounding land uses that could result from implementation of the project.*

b) Methodology

(1) Physically Divide a Community

The intent of the analysis is to determine whether the Project would be compatible with surrounding uses in relation to use, size, intensity, density, scale, and other physical and operational factors. The analysis is intended to determine whether existing communities or land uses would be disrupted, divided, or isolated by the Project, with consideration given to the duration of any disruptions. The analysis is based on aerial photography, land use maps, and field surveys in which surrounding uses have been identified and characterized. The analysis addresses general land use relationships and urban form based on a comparison of existing land use relationships in the vicinity of Project Site under existing conditions, at the time the Notice of Preparation was issued, to the conditions that would occur with Project implementation. In this case, as discussed further below, the analysis in the Project's Initial Study concluded that the Project would not physically divide a community. Thus, no further analysis is required herein.

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

The determination of consistency with applicable land use policies and ordinances is based upon a review of the previously identified planning and zoning documents that were adopted to mitigate or avoid an environmental effect. CEQA Guidelines Section 15125(d) requires that an EIR discuss any inconsistencies between the Proposed Project and applicable general plans, specific plans, and regional plans. A conflict between a project and an applicable plan is not necessarily a significant impact under CEQA unless the inconsistency will result in an adverse physical change to the environment that is a "significant environmental effect" as defined by CEQA Guidelines Section 15382. An excerpt from the legal practice guide, Continuing Education of the Bar, Practice Under the California Environmental Quality Act, Section 12.34 illustrates the point:

"An inconsistency between a proposed project and applicable plan is a legal determination not a physical impact on the environment. ...if a project affects a river corridor, one standard for determining whether the impact is *significant* might be whether the project violates plan policies protecting the corridor; the environmental *impact*, however, is the physical impact on the river corridor."

Analysis of conflicts and consistency with applicable plans is included in this section of the Draft EIR. Under State Planning and Zoning law (Government Code Section 65000,

et seq.) strict conformity with all aspects of a plan is not required. Generally, plans reflect a range of competing interests and agencies are given great deference to determine consistency with their own plans. A proposed project should be considered consistent with a general plan or elements of a general plan if it furthers one or more policies and does not obstruct other policies.¹⁷ Generally, given that land use plans reflect a range of competing interests, a project should be compatible with a plan's overall goals and objectives but need not be in perfect conformity with every plan policy.

To the extent that the Proposed Project's potential conflict with a plan, program or policy is analyzed in another section of the EIR, that plan is not further discussed in this Land Use and Planning Section.

c) Project Design Features

No specific project design features are proposed with regard to land use.

d) Analysis of Project Impacts

Threshold a) Would the Project physically divide an established community?

As discussed in the Initial Study (See Appendix A of this Draft EIR), the Proposed Project would have no potential to physically divide an established community. No separation of land uses or disruption of access between land uses around the Project Site would occur as a result of the Proposed Project. Therefore, the Proposed Project would not physically divide an established community. No impacts would occur and no further analysis of this topic is required.

Threshold b) Would the Project cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

(1) Consistency with Regional Plans and Applicable Policies

(a) 2016-2040 Regional Transportation Plan/Sustainable Communities Strategy (2016-2040 RTP/SCS)

SCAG's 2016-2040 RTP/SCS is based on regional growth forecasts and strategies for accommodating future growth. With respect to assessing the Project's consistency with regional growth forecasts, SCAG's 2016-2040 RTP/SCS estimates the City of Los Angeles Subregion will experience a population increase to 4.6 million persons by 2040. As further discussed in Section IV.G, Population and Housing, SCAG's population

¹⁷ Office of Planning and Research [OPR], *State of California General Plan Guidelines* (2017).

projections for the City and the SCAG region from 2012 through 2040 envisions a population growth of 763,900 additional persons within the City of Los Angeles (an approximate 20% growth rate) and 3,816,000 additional persons (an approximate 21% growth rate) within the SCAG region. The number of households within the City is anticipated to increase by 364,800 households, or approximately 28% between 2012 and 2040. The number of households within the SCAG region is anticipated to increase by 1,527,000 households, or approximately 26% between 2012 and 2040. By 2040, the City of Los Angeles is expected to experience an increase in employment by 472,700 jobs, a 28% employment growth as compared to the 2012 values. The number of employment within the SCAG region is anticipated to increase by 2,432,000 jobs, a 32% increase between 2012 and 2040.

The Proposed Project would result in the development of 331 additional multi-family residential units accommodating approximately 801 permanent residents in the City. Additionally, the Proposed Project's commercial/retail spaces would result in 319 new employees.¹⁸ As further discussed in Section IV.G, Population and Housing, the additional 331 housing units with 801 residents generated by the Proposed Project would be consistent with the growth forecasts for the City and the SCAG region. ***As such, the Proposed Project would be consistent with the population and growth projections of SCAG's 2016-2040 RTP/SCS, and a less than significant impact would occur.***

With respect to land use plan consistency, SCAG's 2016-2040 RTP/SCS identifies several goals and policies for accommodating the anticipated growth in a manner that would reduce or avoid environmental impacts. The Proposed Project's general consistency with the applicable objectives and policies that support the goals set forth in the 2016-2040 RTP/SCS is discussed in detail in Table 1 of Appendix M of this Draft EIR. Provided below is a general discussion of whether the Proposed Project would conflict with any applicable goals, objectives, and policies of the 2016-2040 RTP/SCS adopted for the purpose of avoiding or mitigating an environmental effect.

The Proposed Project would be generally consistent with applicable goals of the 2016-2040 RTP/SCS. The Proposed Project would redevelop an infill site with a new mixed-use development providing new housing, employment and dining/retail uses. The Proposed Project would provide pedestrian scale development with ground floor retail near the Wilshire Commercial Corridor, located south of the Project Site. The Proposed Project would be consistent with the 2016-2040 RTP/SCS to focus growth in centers along major transportation corridors, create new, walkable mixed-use developments, provide new housing opportunities, and provide new employment opportunities within

¹⁸ *The Proposed Project's estimated resident population and employment projections are based on the data provided in the City of Los Angeles VMT Calculator output sheets provided in Appendix H.1 to this Draft EIR.*

walking distance of major transit stops and intersections along W. 3rd Street and S. Fairfax Avenue. Moreover, the Proposed Project would be generally consistent with the 2016-2040 goals to maximize mobility and accessibility for all people and goods in the region, ensure travel safety and reliability, preserve and ensure a sustainable regional transportation system, protect the environment, encourage energy efficiency and facilitate the use of alternative modes of transportation. Furthermore, since the goals and policies of the 2020–2045 RTP/SCS are similar to, and consistent with, those of the 2016–2040 RTP/SCS, the Proposed Project would also be consistent with the 2020–2045 RTP/SCS. **Therefore, the Proposed Project would not conflict with the applicable goals, objectives, and policies of the 2016-2040 RTP/SCS.**

(b) *SCAQMD Air Management Plan*

As previously discussed, the Proposed Project is located within the Basin and, therefore, falls under the jurisdiction of the SCAQMD. In conjunction with SCAG, the SCAQMD is responsible for formulating and implementing air pollution control strategies. The Proposed Project would adhere to regulatory requirements during construction and operation to reduce potential air quality impacts on surrounding uses. In addition, the Project Site is an infill location and the Proposed Project provides mixed uses (residential and commercial) that can reduce the need for single occupant vehicle trips, and thereby reduce operational air quality impacts. Further, as discussed in IV.A, Air Quality, the Proposed Project would not exceed the daily emission thresholds during the construction or operational phases of the Proposed Project. **Therefore, the Proposed Project would be consistent with the AQMP.**

(2) Consistency with Local Land Use Plans, Policies, and Zoning

(a) *City of Los Angeles General Plan*

(i) *Framework Element*

The General Plan Framework Element provides a general outline to guide the goals, objectives, and policies of the other elements of the General Plan. The Proposed Project would promote the general goals of the Framework Element. The Proposed Project supports the Framework Element's housing objectives by increasing the housing supply and range of housing stock within the City to help meet the housing needs of City residents, by providing new market rate housing in different configurations. The Proposed Project includes a mixed-use development that would place residences near job opportunities, entertainment (such as the Original Farmers Market and the Grove), cultural opportunities (such as the L.A. County Museum of Art, the La Brea Tar Pits and

Museum, and the L.A. Museum of the Holocaust), and community supporting services (such as churches, fire stations, schools, parks and hospitals).

The Project Site is located along S. Fairfax Avenue which is identified as a Mixed Use Boulevard in Figure 3-1: Land Use Diagram: Metro Los Angeles Geographical Area, in the Framework Element. These areas connect the City's neighborhood districts and community, regional and Downtown centers. Mixed Use development is encouraged along these boulevards, with the scale, density and height of development compatible with the surrounding areas. Generally, different types of Mixed Use Boulevards will fall within a range of FARs from 1.5:1 up to 4.0:1 and will be generally characterized by low-rise commercial structures, and mid-rise mixed use buildings between centers and higher buildings within centers. Mixed Use Boulevards are served by a variety of transportation facilities. The Proposed Project's general consistency with the applicable objectives and policies that support the goals set forth in the Framework Element is discussed in detail in Table 2 of Appendix M of this Draft EIR. Provided below is a general discussion of whether the Proposed Project would conflict with any applicable goals, objectives, and policies of the Framework Element adopted for the purpose of avoiding or mitigating an environmental effect.

The Proposed Project would be generally consistent with the policy and objectives of the Land Use Chapter by providing residential and commercial land uses that support the needs of the City's existing and future residents, businesses, and visitors. In addition, development of the Proposed Project in an area with convenient access to public transit and opportunities for walking and biking would promote an improved quality of life by facilitating a reduction of vehicle trips, vehicle miles traveled, and air pollution, while supporting the City's objective to encourage commercial uses along primary transit corridors/boulevards.

The Proposed Project would be generally consistent with the policy and objective of the Housing Chapter by providing a range of new housing units near existing transit and near proposed or under construction transit stations. The scale and character of the Proposed Project is consistent with the surrounding urbanized area.

The Proposed Project would be generally consistent with the goal, objectives and policies of the Urban Form and Neighborhood Design Chapter by providing new residential and commercial uses. Open space available to the public including wide sidewalks, outdoor seating areas and streetscape improvements located along W. 3rd Street and fronting the proposed retail uses would enhance pedestrian activity. Consistent with the Mobility Plan 2035, the Proposed Project would provide a 15 foot sidewalk on W. 3rd Street and a 12 foot wide sidewalk on S. Ogden Drive.

The Proposed Project would be generally consistent with the Open Space and Conservation Chapter by providing a minimum of approximately 37,225 square feet of on-site open space. The Proposed Project's common open space would include outdoor courtyards, roof deck, pool deck, and amenity rooms. In addition, a number of residential units would include private balconies. The Proposed Project would provide landscaped courtyards with outdoor seating and landscaping.

The Proposed Project would be generally consistent with the Economic Development Chapter by creating opportunities for new businesses or the expansion or relocation of existing businesses, and fostering new business and employment opportunities and potential customers, in an area well-served by transit.

The Proposed Project would be generally consistent with the Infrastructure and Public Services Chapter by reducing the amount of hazardous substances and the total amount of flow entering the wastewater system through implementation of a Stormwater Pollution Plan and Best Management Practices during construction. The Proposed Project would not exceed the available capacity within the distribution infrastructure that would serve the Project Site and its water demands will be met by the City of Los Angeles Department of Water and Power (LADWP). The Proposed Project's consistency with the City's water supply and applicable provisions of the 2015 Urban Water Management Plan is provided in Section IV.K.1, Utilities and Service Systems - Water Supply, of this Draft EIR.

Therefore, the Project would not conflict with the goals, objective, and policies of the General Plan Framework Element.

(ii) Housing Element

The Proposed Project's general consistency with the applicable objectives and policies that support the goals set forth in the Housing Element is discussed in detail in Table 3 of Appendix M of this Draft EIR. Provided below is a general discussion of whether the Proposed Project would conflict with any applicable goals, objectives, and policies of the Housing Element adopted for the purpose of avoiding or mitigating an environmental effect.

The Proposed Project would be generally consistent with the applicable objectives and policies in the Housing Element. The Project would provide 331 new residential units that would add to the Citywide housing supply. The Proposed Project would be a mixed-use development that would include new jobs associated with retail and restaurant uses that would be accessible to Metro local and rapid bus lines. In addition, the Proposed Project would promote and facilitate reduction of water consumption through the use of water saving and energy saving devices such as low-flow plumbing and fixtures. Finally, the Proposed Project would be an infill development within close proximity to many services,

job opportunities, and public transit. **Therefore, the Proposed Project would not conflict with applicable goals, policies, and objectives of the Los Angeles General Plan Housing Element.**

(iii) *Air Quality Element*

The Air Quality Element is not directly related to land use analysis. Yet, it is intertwined with land use planning on a regional level in certain ways through SCAG's 2016-2040 RTP/SCS policies, and related land use siting and transportation policies. The Proposed Project's consistency analysis with the Air Quality Element is provided in Table IV.A-6 of Section IV.A, Air Quality, of this Draft EIR. The Proposed Project is an infill, mixed-use development that would place residences and commercial uses along W. 3rd Street and S. Fairfax Avenue, which has commercial uses and bus lines. The Proposed Project's proximity to transit and commercial uses along W. 3rd Street and S. Fairfax Avenue would help reduce vehicle trips, promote energy efficiency, and increase the connectivity of the Project Site with surrounding land uses. The Proposed Project would serve to reduce dependency on single-occupancy vehicles. These aforementioned characteristics are generally consistent with the Air Quality Element. As discussed in Section IV.A, Air Quality, the Proposed Project would result in a less-than-significant impact during its construction and operational phases. **Therefore, the Proposed Project would not conflict with the City's goals established within the Air Quality Element.**

(iv) *Land Use Element (Wilshire Community Plan)*

The Project Site is located within the Wilshire Community Plan area. Therefore, all development activity on-site is subject to the land use policies of the Wilshire Community Plan. The Proposed Project would conform to the goals, objectives, and land uses identified in the Wilshire Community Plan. The Proposed Project's general consistency with the applicable objectives and policies that support the goals set forth in the Wilshire Community Plan is discussed in detail in Table 4 of Appendix M of this Draft EIR. Provided below is a general discussion of whether the Proposed Project would conflict with any applicable goals, objectives, and policies of the Wilshire Community Plan adopted for the purpose of avoiding or mitigating an environmental effect.

The current land use designation and zoning on the Project Site permit the land uses, density, and design of the Proposed Project. The Proposed Project does not require a zone change or general plan amendment to proceed. The primary entitlement required for the Proposed Project is Site Plan Review because the Proposed Project results in an increase of more than 50 dwelling units. The Proposed Project is considered consistent with the applicable land use and planning regulations that apply to the Project Site.

The Proposed Project would be generally consistent with applicable policies of the Wilshire Community Plan. The Project would provide a mix of complementary residential and commercial uses within the Wilshire Community Plan area. The Proposed Project buildings have been designed to be compatible with the urbanized nature of the existing community, which includes institutional, residential and general commercial uses in buildings varying from one- to five-stories. Finally, the Proposed Project would be an infill residential mixed-use development in proximity to community commercial centers, regional retail destinations, and transit, in accordance with the Wilshire Community Plan. **Therefore, the Proposed Project would not conflict with applicable goals, objectives, and policies of the Wilshire Community Plan.**

(v) *Wilshire Community Plan: Urban Design (Chapter V)*

The Wilshire Community Plan provides urban design standards for development within the Wilshire Community Plan area. The purpose of the Urban Design chapter is to establish the minimum level of design required for commercial, multi-family residential, and limited industrial private projects and to promote pedestrian activity by providing for a more livable community.

The Proposed Project's general consistency with the applicable objectives and policies that support the goals set forth in the Wilshire Community Plan's Urban Design chapter is discussed in detail in Table 5 of Appendix M of this Draft EIR. Provided below is a general discussion of whether the Proposed Project would conflict with any applicable goals, objectives, and policies of the Wilshire Community Plan's Urban Design chapter adopted for the purpose of avoiding or mitigating an environmental effect.

The Proposed Project would be generally consistent with the Wilshire Community Plan's Urban Design regulations, and provide a mix of complementary uses within the Wilshire Community Plan area. Specifically, the Proposed Project would maximize pedestrian oriented retail and commercial services along commercial boulevards and provide landscaped setback areas fronting W. 3rd Street. The Proposed Project would also focus retail along W. 3rd Street and locate parking at the rear of the proposed building. Finally, the Proposed Project would include architectural design features and architectural materials with different textures and colors to break up the building's massing and facades. The Proposed Project would be an infill, urban-scale development that would be reflective of the expected visual character of the area as it develops in accordance with adopted land use plans, including the Wilshire Community Plan. **Therefore, the Proposed Project would not conflict with applicable goals, objectives, and policies of the Wilshire Community Plan's Urban Design chapter.**

(vi) *Conservation Element*

The Conservation Element focuses on the conservation and preservation of natural resources and historical and cultural resources within the City of Los Angeles. The Proposed Project is an infill development project located within a previously developed area. The Proposed Project would be consistent with the Conservation Element's policy to protect historic and cultural sites and/or resources potentially affected by proposed land development, demolition, or property modification activities, as the existing retail/commercial buildings on-site are not identified as a historic resource and there are no known or recorded archaeological, paleontological or Native American Tribal resources located within the Project Site. As discussed in greater detail in Section VI, Other CEQA Considerations, and in the Initial Study (Appendix A of this Draft EIR), development of the Proposed Project would have a less-than-significant impact upon biological resources, paleontological resources, archaeological resources, and historical resources in the Project vicinity. Additionally, as concluded in Section IV.J, Tribal Cultural Resources, although there are no known tribal cultural resources present within the Project Site the Tribal Cultural Resources Assessment concluded that the Project Site could contain tribal cultural resources due to the proximity of an important asphaltum source and site with Prehistoric-period human remains at the La Brea Tar Pits. As such, impacts upon tribal cultural resources were concluded to be less than significant with the implementation of mitigation during construction. As such, with mitigation the Proposed Project would not conflict with the goals of the Conservation Element.

(vii) *Mobility Plan 2035*

The Proposed Project would promote applicable goals of the Mobility Plan 2035 adopted for the purpose of avoiding or mitigating an environmental effect. A consistency analysis addressing each such goal as applicable to the Proposed Project is provided in Table 6 of Appendix M of this Draft EIR. Provided below is a general discussion of whether the Proposed Project would conflict with any applicable goals of the Mobility Plan 2035 adopted for the purpose of avoiding or mitigating an environmental effect.

The Mobility Plan includes the Transit Enhanced Network (TEN), Pedestrian Enhanced Districts (PED), and the Bicycle Enhanced Network (BEN). The TEN has a city-wide plan to provide an approximate 300-mile network of roadway improvements to provide a frequent and reliable bus system that interfaces and supports the fixed-transit lines. The TEN network prioritizes streets for transit with the accompanying objective of ensuring 90 percent of households have access within one mile of the network by 2035. PEDs are an analysis of a snapshot in time of areas where pedestrian improvements are prioritized relative to other modes. These areas may be located near schools, transit stations, areas of high pedestrian activity, areas with high collision frequency, or other placemaking

opportunity areas. The BEN is comprised of protected bicycle lanes and bicycle paths to provide bikeways for a variety of users with the goal of providing a low-stress network and higher level of comfort than traditional striped bicycle lanes. A detailed analysis of the Proposed Project's consistency with the Mobility Plan 2035, including the TEN, PED, and BEN plans is provided in Section IV.I Transportation. As discussed in Section IV.I Transportation, the Proposed Project is substantially consistent with the Mobility Plan 2035 and would implement a TDM program to reduce the total vehicle miles traveled, as well as bicycle parking and electric vehicle infrastructure. As noted in Section II, Project Description, the Proposed project would include on-site electric vehicle supply equipment (EVSE) and bicycle parking in accordance with the LAMC.

Further, the Proposed Project would not include unusual or hazardous design features. Primary vehicular access for residential and commercial uses would be provided via full-access driveways along Ogden Drive which would provide a connection to the nearby surface parking, subterranean parking, and parking podium. All Project driveways would require review and approval by LADOT, and would conform to City standards. The Proposed Project does not include any hazardous design features that could impede emergency access. The Proposed Project would be subject to the plan review requirements of the LAFD and the LAPD to ensure that all access roads, driveways and parking areas would remain accessible to emergency service vehicles and to ensure pedestrian safety. The Proposed Project would place retail, outdoor seating areas and courtyards fronting W. 3rd Street to promote a pedestrian-oriented environment. The Project Site's location near mass transit, walking distance to services, retail stores, and employment opportunities, and the availability of bicycle parking located on the Project Site would promote a variety of transportation options. Therefore, as discussed above and in detail in Table 6 of Appendix M, the Proposed Project would not conflict with the applicable goals of the Mobility Plan 2035.

(b) Citywide Design Guidelines

The City Planning Commission adopted the Citywide Design Guidelines (Guidelines) on October 24, 2019.¹⁹ The Guidelines establish ten guidelines to carry out the common design objectives that maintain neighborhood form and character while promoting quality design and creative infill development solutions. Both as an organizational tool and as a means of communicating critical topics that are of specific value to the City, the Guidelines are organized around three design approaches: Pedestrian-First Design, 360 Degree Design and Climate-Adapted Design.

¹⁹ See https://planning.lacity.org/odocument/f6608be7-d5fe-4187-bea6-20618eec5049/Citywide_Design_Guidelines.pdf.

The Proposed Project would promote a safe, comfortable and accessible pedestrian experience fronting the commercial corridors of W. 3rd Street. The Proposed Project would place the ground-floor retail entrances, outdoor seating areas, and courtyards directly fronting W. 3rd Street to support and encourage pedestrian activity. The Proposed Project further incorporates landscaping along pedestrian right-of-way along W. 3rd Street and S. Fairfax Avenue. Vehicular access would not degrade the pedestrian experience, and vehicular driveways would be located along Odgen Drive away from the pedestrian entrances to the ground floor. Vehicle parking spaces would be provided within the three-level above-grade parking podium, and two levels of subterranean parking. Bicycle parking spaces would be provided throughout the vehicle parking areas. Therefore, the Proposed Project would not conflict with the goals of the “Pedestrian-First Design” approach. Additionally, the Proposed Project would be designed to be compatible with the surrounding commercial and residential neighborhoods. The building design alternates different textures, colors, materials, and distinctive architectural treatments to break up the façade and complement the surrounding neighborhood. The Proposed Project’s ground level pedestrian-oriented environment would actively engage with streets and public space and maintain human scale. The Proposed Project would also provide land uses that support the community and provide an inviting, comfortable user experience. The Proposed Project would be designed to maintain a safe environment for its future residents, visitors, and patrons. Therefore, the Proposed Project would not conflict with the goals of the “360 Degree Design.” Furthermore, the Proposed Project would be designed to comply with all regulations and policies to reduce the need for imported water and limit greenhouse gas emissions from the construction and operation of the Proposed Project, which is further detailed in Section IV.B Energy and IV.C Greenhouse Gas Emissions, of this Draft EIR. As such, the Proposed Project would not conflict with the goals of the “Climate-Adapted Design” approach. These design features would be executed in accordance with the Citywide Design Guidelines. Therefore, the Proposed Project complies with the Citywide Design Guidelines.

(c) *Los Angeles Municipal Code (LAMC)*

(i) *Zoning and Land Use Designations*

The Project Site has a General Plan land use designation of Community Commercial and is currently zoned as C2-1-O. The “C2” designation corresponds with the existing General Plan land use designation. The Project Site is located in Height District No. 1, which establishes no height limit but limits the floor area ratio (FAR) to 1.5:1. The Proposed Project would be consistent with the Zoning and Land Use designations on site pursuant to the LAMC and General Plan. The “O” designation indicates a supplement use district for oil drilling. Two oil wells are located on the Project Site, but have been plugged and

abandoned. No oil drilling activities currently occur on the Project Site, and no oil drilling activities are being proposed as part of the Proposed Project.

(ii) *Floor Area Ratio*

The Project Site's lot area includes a total of 333,835 gross square feet with 327,121 square feet of buildable lot area. With the exception of a limited area that may be used for construction staging and/or worker parking during construction, the construction and operation of the Proposed Project would be limited to the eastern portion of the Project Site within the boundaries of the 3.15-acre Development Site. As confirmed by the Certificate of Compliance issued May 30, 2019, the Project Site, which is owned in fee in simple by TF REG, LLC, is one legal fee parcel (and a leasehold parcel for the new development) in compliance with the Subdivision Map Act (govt. Code §§ 66410 et seq.). The FAR is calculated across the legal fee parcel. Pursuant to the LAMC, the allowable FAR on-site is 1.5:1, which would allow a total floor area of approximately 490,682 square feet, which is based on the total lot area of the Project Site. Pursuant to the LAMC Section 12.2.1, the Project Site has an allowed FAR of 1.5 to 1 (1.5:1), which equates to approximately 490,682 square feet of allowable floor area based on the total lot area of the Center. The Proposed Project would develop up to 426,994 square feet of new uses. The existing uses to remain (and not considered a part of the Proposed Project) are approximately 63,688 square feet. Thus, overall, the Project Site would contain a total of 490,682 square feet of development after implementation of the Proposed Project. The resulting FAR would be 1.5:1. ***As such, the Proposed Project would be within the allowed FAR, consistent with LAMC Section 12.21.1.***

(iii) *Density*

Pursuant to LAMC Section 12.14.C.3, residential land uses are permitted in a C2 Zone with compliance to the density regulations of the R4 Zone. The C2 zoning designation permits residential development at a density of one dwelling unit per 400 square feet of land area. The Proposed Project would be allowed a base density of 818 dwelling units. The Proposed Project proposes 331 dwelling units. The density associated with the Proposed Project is far less than the LAMC permits on the Project Site. ***As such, the Proposed Project would be consistent with the allowed density on-site, pursuant to LAMC Section 12.14.C.3.***

(iv) *Setbacks*

Pursuant to the LAMC Section 12.14.C, setbacks for the residential portions of the Proposed Project would be required to comply with setback requirements for the R4 Zone with the exception that no front yard setback is required. Due to the orientation of the Project Site, S. Fairfax Avenue and S. Ogden Drive are considered front yards, and W.

3rd Street and the southern property line are considered side yards. Rear yard setbacks are not applicable to the Project Site. No front yard setbacks are required for commercially used portions of the Project Site. As such, the Proposed Project would require a 15-foot side yard setback. The Proposed Project would provide a 15-foot side yard setback along W. 3rd Street and the southern property line. **As such, the Proposed Project would be consistent with the LAMC with regards to yard setbacks.**

(v) *Height*

The Project Site is located in Height District No. 1. The development on the Project Site is limited by FAR and not by building height. The Proposed Project's mixed-use building would include eight stories above grade with a maximum of 100 feet above grade at the top of the parapet. **As such, the Proposed Project is consistent with the height requirements of the LAMC.**

(vi) *Open Space and Landscaping*

Under LAMC Section 12.21.G, the Proposed Project would be required to provide 37,225 square feet of open space. The Proposed Project would include a total of 37,225 square feet of open space across the 4th, 5th, and 7th levels. The open space requirements and amount of open space proposed for the Proposed Project are summarized in Table II-3 (located in Section II, Project Description). As illustrated in the landscape plans, depicted in Figure II-21 (located in Section II, Project Description), the Proposed Project would feature a variety of trees, shrubs, vines, and perennials. The Proposed Project would include a pool deck, fitness room, club room, amenity deck, and courtyards. **Thus, the Proposed Project would meet the residential open space requirements of the LAMC.**

(vii) *Parking*

As shown in Table II-4 in Section II, Project Description, the Proposed Project would comply with the parking requirements of the LAMC. The parking ratio for the Proposed Project's residential uses is based on the LAMC Section 12.21.A.4, which requires one (1) parking space per dwelling unit with less than three habitable rooms; 1.5 parking spaces for each dwelling unit with three habitable rooms; and two (2) spaces for each dwelling units with more than three habitable rooms. The Proposed Project is required to provide 511 residential vehicle parking spaces. With respect to commercial parking, pursuant to LAMC Section 12.21.A.4.(c), the Proposed Project is required to provide four (4) spaces for every 1,000 square feet of general retail commercial uses and one space per 100 square feet of restaurant use, which results in 381 commercial/retail spaces.

The Proposed Project would provide 996 vehicle parking spaces within the proposed parking garage, including 511 residential spaces and 466 retail spaces, consistent with the LAMC. The total amount of parking provided within the Project Site after development would be 1,146 spaces. As summarized in Table II-4 in Section II Project Description, the Proposed Project would be consistent with the applicable parking requirements of the LAMC.

The Proposed Project would provide bicycle parking in accordance with the City's Bicycle Ordinance. As summarized in Table II-5, Summary of Required and Proposed Bicycle Parking Spaces, provided in Section II, Project Description, the Proposed Project would be required to provide 257 total bicycle parking spaces, which includes 84 commercial/retail spaces (42 short-term and 42 long-term spaces) and 173 residential spaces (158 long-term and 15 short-term). The proposed Project would provide 257 bicycle parking spaces. As such, the Proposed Project would meet the on-site bicycle parking requirements of the LAMC.

In conclusion, the Proposed Project would be consistent with the LAMC requirements for on-site vehicle and bicycle parking spaces.

(d) *Zoning Information*

(i) *California Geologic Energy Management Division Clearance (ZI No. 1195)*

The Project Site is located within an area that would require clearance from the California Geologic Energy Management Division (CalGEM) prior to issuing a building permit (ZI-1195). Clearance would include filing a construction site review application. The Project Site is located in an oil-drilling field, specifically the Salt Lake Oil Field. As discussed in Section IV. D Hazardous Materials, there are two oil wells located on the Project Site (Chevron USA Well No. 99 and No. 102), which have been plugged and abandoned.²⁰ No oil drilling activities currently occur on the Project Site.

The Proposed Project's Geotechnical Investigation stated, due to the voluntary nature of record reporting by oil well drilling companies, wells may be improperly located or not shown on the location map and other undocumented wells could be encountered during construction. The Chevron USA wells, and any wells encountered during construction, would need to be properly abandoned in accordance with the current requirements of the CalGEM, if not already properly abandoned. It is anticipated that the oil well abandonment effort may involve grading and earthwork activities and related activities. If required, a soil management plan will be prepared and require approval by the appropriate regulatory

²⁰ *State of California, California Geologic Energy Management Division (CalGEM) Well Finder, website: <https://maps.conservation.ca.gov/doggr/wellfinder/#/-118.94276/37.10257/6>, accessed June 2020.*

oversight agency. Any discretionary approvals associated with the oil well re-abandonment and related activities would be conducted in consultation with the CalGEM, the LARWQCB, the City of Los Angeles Department of Building and Safety, and the LAFD. With clearance and approval from the CalGEM, the Proposed Project would be in compliance with ZI-1195. Compliance with federal, state and local regulations and policies related to ZI No. 1195 is addressed in Section IV.D, Hazardous Materials.

(e) *Los Angeles Green Building Code*

In accordance with the requirements of the Los Angeles Green Building Code, the Proposed Project would implement several green building design features, including a highly efficient HVAC system. The Proposed Project would include energy efficient elevators, low-flow faucets, shower heads, and toilets in all bathrooms, energy efficient mechanical systems, energy efficient glazing and window frames, energy efficient lighting, and appropriate landscaping, which would reduce water use by at least 50 percent. (See Section IV.K.1, Utilities and Service Systems – Water Supply, of this Draft EIR, for additional information regarding the Proposed Project’s water use.)

Also, the Proposed Project would use low-VOC paints, coatings, adhesives, and sealants indoors to the maximum extent feasible. (See Section IV.A, Air Quality, of this Draft EIR, for additional information regarding air quality and Section IV.B, Energy, of this Draft EIR, for additional information regarding energy use.)

Therefore, impacts related to the Proposed Project’s consistency with the Los Angeles Green Building Code would be less than significant.

(3) Mitigation Measures

The Proposed Project’s impacts with respect to conflicts with applicable land use plans would be less than significant. No mitigation measures are required.

(4) Level of Significance After Mitigation

The Proposed Project’s impacts related to conflicts with applicable land use plans were determined be less than significant without mitigation. Therefore, no mitigation measures were required or included, and the impact level remains less than significant.

e) Cumulative Impacts

(1) Impact Analysis

Cumulative land use impacts could occur if other related projects in the vicinity of the Project Site would result in land use incompatibility effects in conjunction with the impacts

of the Proposed Project. Approximately 35 of the 63 identified related projects are located within the Wilshire Community Plan area. The Proposed Project would implement local and regional goals and policies for the Wilshire Community Plan area, which would assist the City in achieving short- and long-term planning goals and objectives. As discussed above, the Proposed Project is consistent with the land use designations and zoning for the Project Site, and it thus does not require a General Plan amendment or zone change. Furthermore, all 35 related projects would be subject to the same development standards as the Proposed Project with respect to assessing the consistency of the Wilshire Community Plan, the LAMC, the General Plan, and the other applicable specific and regional land use plans that govern their respective geographic area. Related Projects would also be required to use clean materials and energy efficient appliances, consistent with the City's Green Building Code. In support of the City's goal to reduce vehicle miles traveled, it is anticipated that related projects would also implement various methods to promote alternative modes of transportation, including providing bicycle parking spaces, which is a City requirement. Therefore, no significant cumulative land use impacts are anticipated.

(2) Mitigation Measures

The Proposed Project's impacts and cumulative impacts with respect to conflicts with applicable land use plans would be less than significant. No mitigation measures are required.

(3) Level of Significance After Mitigation

The Proposed Project's impacts related to conflicts with applicable land use plans were determined be less than significant without mitigation. Therefore, no mitigation measures were required or included, and the impact level remains less than significant.