

# VI. OTHER CEQA CONSIDERATIONS

---

This section is based on information provided in the *Initial Study* prepared in August 2023 (contained in Appendix A-1 of this Draft EIR).

## 1. Significant Unavoidable Impacts

Section 15126.2(b) of the CEQA Guidelines requires that an EIR describe any significant impacts which cannot be avoided. Specifically, Section 15126.2(b) states:

*Describe any significant impacts, including those which can be mitigated but not reduced to a level of insignificance. Where there are impacts that cannot be alleviated without imposing an alternative design, their implications and the reasons why the project is being proposed, notwithstanding their effect, should be described.*

As evaluated in Section IV, Environmental Impact Analysis, of this Draft EIR, and summarized below, implementation of the Project would result in significant and unavoidable impacts related to historic resources (Project-specific) and construction vibration, on-site and off-site sources (human annoyance, Project-specific and cumulative). All other impacts associated with the Project would be less than significant or reduced with mitigation to less than significant.

### a) Historic Resources

As evaluated in Section IV.A, Cultural Resources, of this Draft EIR, the majority of the Sontag Drug Building would be removed except the primary south and east façades. The substantial demolition of the Sontag Drug Building would result in significant direct impacts to the Sontag Drug Building as defined by CEQA. Per CEQA Guidelines §15064.5(b), the physical demolition of a historical resource is a significant direct impact that cannot be mitigated to a less-than-significant level. Therefore, Project impacts related to the historical significance of the Sontag Drug Building would be significant and unavoidable.

### b) Noise

As evaluated in Section IV.B, Noise, of this Draft EIR, to address significant human annoyance impacts from on-site construction activities, mitigation measures were considered. This includes installation of a wave barrier, typically a trench or thin wall made of sheet piles installed in the ground. However, because wave barriers must be very deep and long to be effective, the costs of installing such barriers would be prohibitive given the number of residential and institutional uses that would require mitigation and the temporary nature of these impacts. Installing such barriers along a public roadway would also be infeasible. As such, this measure was deemed infeasible, and there are no feasible mitigation measures that could reduce the temporary

vibration human annoyance impacts at adjacent residences to the north of the Project Site.

For off-site construction activities, the operation of haul trucks for debris and soil transfer and heavy-duty trucks for material delivery could annoy persons in residences or hotels with minimal front yard setbacks from haul routes. In considering mitigation measures, no feasible measures were identified, as any haul routes are likely to have sensitive receptors near front property lines that would be impacted by groundborne vibration that produces human annoyance above the 72 VdB threshold for residences and hotels and potentially the 75 VdB for institutional uses.

As there are no feasible mitigation measures that could reduce the temporary vibration human annoyance impacts from both on- and off-site construction activities, vibration impacts from on-site and off-site construction activities with respect to human annoyance would remain significant and unavoidable, for both Project-specific and cumulative impacts.

## **2. Reasons Why the Project is Being Proposed, Notwithstanding Significant Unavoidable Impacts**

In addition to identification of a project's significant unavoidable impacts, Section 15126.2(b) of the CEQA Guidelines states that where there are impacts that cannot be alleviated without imposing an alternative design, their implications and the reasons why the project is being proposed, notwithstanding their effect, should be described.

As discussed in Section II, Project Description, of this Draft EIR, the Project is a mixed-use project that would intensify development on a constrained lot to provide new multi-family housing, including affordable housing, and neighborhood-serving retail and restaurant uses that serve the community and promote walkability. In addition, the Project would provide new residential units to help support the demand for new housing in the region and the City, and would contribute housing toward the City's Regional Housing Needs Assessment (RHNA) allocation.

The Project provides an opportunity to fulfill policy directives reflected in both local and regional land use plans by concentrating mixed-use, pedestrian-friendly development in an area that is targeted for higher density, urban growth. Specifically, the Project Site is located in a High-Quality Transit Area (HQTAs) as designated by the Southern California Association of Governments (SCAG). HQTAs are described as generally walkable transit villages or corridors that are within 0.5 miles of a well-serviced transit stop or a transit corridor with 15-minute or less service frequency during peak commute hours. Local jurisdictions are encouraged to focus housing and employment growth within HQTAs. The Project would be located in an area well-served by existing public transportation. The Project Site is served by several bus lines, including Metro's 20/720 and 212/312 bus lines and Los Angeles Department of Transportation (LADOT) DASH service. In addition to these bus lines, Metro's D Line Extension project, which is currently under construction, will include a heavy rail station at the intersection of Wilshire Boulevard and La Brea Avenue, approximately 625 feet from the Project Site, which is scheduled to open in 2024. Thus, the Project would focus growth along major transportation corridors and within walking distance of a transit station.

The Project Site is also located within specifically designated areas identified in the 2020-2045 RTP/SCS as Priority Growth Areas (PGAs), and the Project would increase housing supply in the Project area. The Project would increase housing diversity and affordability in the PGA in which the Project Site is located. Of the Project's 348 proposed dwelling units, 29 units would be set aside for rental to households qualifying at the Very Low Income level. The Project includes both residential and commercial uses in an area designated for such growth in an area designated as Regional Center by the Community Plan and the General Plan Framework Element.

As discussed above, the Project would result in significant and unavoidable impacts related to historic resources based on the removal of the commercial building at 5401 Wilshire Boulevard, which is a contributor to the Miracle Mile Historic District. While it would not avoid the significant impact to historic resources, the east and south façades of this building would be retained while the remainder of the building is demolished in order to construct the Project's subterranean levels. The east and south façades would then be rehabilitated and incorporated into a new one-story building at 5401 Wilshire Boulevard, so that this building continues to read as a separate building and largely appears as it was originally designed, with the extant character-defining features of the primary south and east façades preserved and restored.

Two alternatives to the Project were considered in Section V, Alternatives, of this Draft EIR, one of which is the No Project Alternative, which assumes the Project Site would remain in its current condition as developed with approximately 38,545 square feet of commercial uses and associated surface parking. Alternative 2, the Preservation Alternative (also Zoning Compliant Project and Reduced Project), would preserve the existing building at 5401 Wilshire Boulevard (the remaining 22,162 square feet of existing development would be demolished) and a new tower would be developed on the remainder of the Project Site. The retention of the existing building at 5401 Wilshire Boulevard as part of Alternative 2 would avoid the Project's significant and unavoidable impact with respect to historical resources. However, like the Project, Alternative 2 would still result in a significant and unavoidable human annoyance vibration impact during construction (from on- and off-site sources).

No feasible alternative was identified that would eliminate the Project's significant and unavoidable impacts related to human annoyance from construction vibration. The No Project Alternative (Alternative 1) would avoid all of the Project's significant and unavoidable impacts. However, the No Project Alternative would not meet any of the Project objectives as it would not locate in-fill residential and commercial uses near public transit, contribute housing to the City's RHNA allocation, provide a mix of residential units for varying income levels, or promote smart growth thereby reducing vehicle miles traveled (VMT). As discussed above, Alternative 2 would avoid the Project's significant and unavoidable impact with respect to historical resources. However, Alternative 2 would not meet all of the Project objectives. Specifically, as Alternative 2 would provide fewer residential units than the Project, it would only partially meet Project objectives relative to locating residential uses near transit, contributing housing to the City's RHNA allocation, and promoting smart growth near transit. In addition, as Alternative 2 only includes market-rate units, it would not provide a mix of housing for varying income levels. As discussed

in Section V, Alternatives, of this Draft EIR, the Project, as proposed, satisfies the Project objectives to a greater degree than any of the proposed alternatives. This Draft EIR also includes mitigation measures that reduce the potential impacts associated with the Project to the extent feasible. Overall, the Project presents several benefits that override the limited adverse effects it may have on the environment.

### **3. Significant Irreversible Environmental Changes**

Section 15126.2(c) of the CEQA Guidelines indicates that an EIR should evaluate significant irreversible environmental changes that would be caused by implementation of a proposed project. As stated in CEQA Guidelines Section 15126.2(c), “[u]ses of nonrenewable resources during the initial and continued phases of the project may be irreversible since a large commitment of such resources makes removal or nonuse thereafter unlikely. Primary impacts and, particularly, secondary impacts (such as highway improvement which provides access to a previously inaccessible area) generally commit future generations to similar uses. Also irreversible damage can result from environmental accidents associated with the project. Irrecoverable commitments of resources should be evaluated to assure that such current consumption is justified.”

The Project would necessarily consume a limited amount of slowly renewable and non-renewable resources that could result in irreversible environmental changes. This consumption would occur during construction of the Project and would continue through 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. As demonstrated below, the Project would not consume a large commitment of natural resources or result in significant irreversible environmental changes.

#### **a) Building Materials and Solid Waste**

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

Solid waste was addressed in the Initial Study (included in Appendix A-1 of this Draft EIR) and the discussion is also summarized at the end of this section. 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. In addition, during operation, the Project would provide on-site recycling containers within 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. In accordance with AB 1826, the Project would also provide for the recycling of organic waste. The Project will adhere to state and local solid waste policies and objectives that further goals to divert

waste. Thus, the consumption of non-renewable building materials such as lumber, aggregate materials, and plastics would be reduced based on the Project's compliance with these existing regulations.

### **b) Water**

The Project's consumption of water is addressed in the Initial Study (included in Appendix A-1 of this Draft EIR) and is summarized later in this section. 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. During operation, the estimated water demand for the Project would not exceed the available supplies projected by the City of Los Angeles Department of Water and Power (LADWP). Thus, the 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. Furthermore, the Project would be required to reduce indoor water use by at least 20 percent in accordance with the City of Los Angeles Green Building Code. Thus, while Project construction and operation would result in some irreversible consumption of water, the Project would not result in a significant impact related to water supply.

### **c) Energy**

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 the Initial Study (included in Appendix A-1 of this Draft EIR) and is summarized later in this section. 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.

Project construction contractors would comply with applicable California Air Resources Board (CARB) regulations governing the accelerated retrofitting, repowering, or replacement of heavy-duty diesel on- and off- road equipment. CARB has adopted an Airborne Toxic Control Measure to limit heavy-duty diesel motor vehicle idling in order to reduce public exposure to diesel particulate matter and other TACs. This measure prohibits diesel-fueled commercial vehicles greater than 10,000 pounds from idling for more than five minutes at any given time. CARB has also approved the Truck and Bus regulation (CARB Rules Division 3, Chapter 1, Section 2025, subsection (h)) to reduce NO<sub>x</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub> emissions from existing diesel vehicles operating in California; this regulation will be phased in with full implementation by 2023.<sup>53</sup> In addition to limiting exhaust from idling trucks, CARB recently promulgated emission standards for off-road diesel construction equipment of greater than 25 horsepower. The regulation aims to reduce emissions by requiring the installation of diesel soot filters and encouraging the retirement, replacement, or repowering of older, dirtier engines with newer emission-controlled models. Implementation began January 1, 2014, and the compliance schedule requires that best available control technology turnovers or retrofits be fully implemented by 2023 for large and medium

equipment fleets and by 2028 for small fleets. Compliance with the above anti-idling and emissions regulations would result in efficient use of construction-related energy and the minimization or elimination of wasteful and unnecessary consumption of energy. Idling restrictions and the use of newer engines and equipment would result in less fuel combustion and energy consumption, as would use of haul trucks with larger capacities.

Project construction would consume relatively minor quantities of electricity to supply and convey water for dust control and, on a limited basis, electricity may be used to power lighting, electronic equipment, and other construction activities necessitating electrical power. This electricity would be supplied to the Project Site by LADWP and would be obtained from the existing electrical lines that connect to the Project Site. Where power poles are available, electricity from power poles and/or solar-powered generators rather than temporary diesel or gasoline generators would be used during construction. Moreover, construction electricity usage would replace the electricity usage associated with the existing buildings. Overall, construction activities associated with the Project would require limited electricity generation that would not be expected to have an adverse impact on available electricity supplies.

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. As discussed in the Initial Study (included in Appendix A-1 of this Draft EIR) and as also summarized later in this section, the Project would comply with Title 24 standards and applicable CALGreen requirements. With regard to transportation related energy usage, the Project would comply with the goals of SCAG's 2020-2045 RTP/SCS, which incorporates VMT targets established by SB 375. The Project's mixed-use development, location within a job center, and proximity to public transportation would serve to reduce VMT and associated transportation fuel usage within the region. In addition, vehicle trips generated during Project operations would comply with CAFÉ fuel economy standards. Based on the above, the Project would not conflict with adopted energy conservation plans, or violate State or federal energy standards, and Project impacts would be less than significant.

#### **d) Conclusion**

Based on the above, the Project would require the irreversible commitment of limited, slowly renewable, and non-renewable resources, which would limit the availability of these resources for future generations or for other uses. However, the consumption of such resources would not be considered substantial. The loss of such resources would not be highly accelerated when compared to existing conditions and such resources would not be used in a wasteful manner. Therefore, although irreversible environmental changes would result from the Project, such changes are concluded to be less than significant, and the limited use of nonrenewable resources that would be required by the Project is justified.

## 4. Growth-Inducing Impacts

Section 15126.2(d) of the CEQA Guidelines requires that growth-inducing impacts of a project be considered in a Draft EIR. Growth-inducing impacts are characteristics of a project that could directly or indirectly foster economic or population growth or the construction of additional housing, either directly or indirectly, in the surrounding environment. According to the CEQA Guidelines, such projects include those that would remove obstacles to population growth (e.g., a major expansion of a wastewater treatment plant that, for example, may allow for more construction in service areas). In addition, as set forth in the CEQA Guidelines, increases in the population may tax existing community service facilities, thus requiring construction of new facilities that could cause significant environmental effects. The CEQA Guidelines also require a discussion of the characteristics of projects, which may encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively. Finally, the CEQA Guidelines also state that it must not be assumed that growth in an area is necessarily beneficial, detrimental, or of little significance to the environment.

However, a Sustainable Communities Environmental Impact Report (SCEIR) may be prepared for a project that: (a) is consistent with the general use designation, density, building intensity, and applicable policies specified for the project area in a sustainable communities strategy (see Public Resources Code Section 21155(a) and (b) is a “transit priority project” (as defined in Public Resources Code Section 21155(b)). As discussed in the Initial Study and in Section I, Executive Summary, of this Draft EIR, the Project meets these criteria. Therefore, pursuant to Public Resources Code Section 21159.28, the Project is not required to analyze growth-inducing impacts.

## 5. Effects Not Found To Be Significant

In addition to the environmental impact categories analyzed in detail in this EIR, the City of Los Angeles (the “City”) has determined through the preparation of an Initial Study (included as Appendix A-1 to this Draft EIR) that the development and operation of the Project would not result in potentially significant impacts to the environmental impact topics discussed below. Section 15128 of the CEQA Guidelines states the following:

*An EIR shall contain a statement briefly indicating the reasons that various possible significant effects of a project were determined not to be significant and were therefore not discussed in detail in the EIR. Such a statement may be contained in an attached copy of an Initial Study.*

It has been determined that there is no evidence that the Project would cause significant environmental effects in the following areas and that no further environmental review of these issues is necessary:

- Aesthetics

- Agricultural and Forestry Resources
- Air Quality
- Biological Resources
- Cultural Resources (archaeological resources and human remains)
- Energy
- Geology and Soils
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Hydrology/Water Quality
- Land Use and Planning
- Mineral Resources
- Noise (airport noise)
- Population and Housing
- Public Services
- Recreation
- Transportation/Traffic
- Tribal Cultural Resources
- Utilities and Service Systems
- Wildfire

A summary of the analyses contained in the Initial Study for each environmental issue not found to be significant is provided below.

**a) Aesthetics**

***a) The Project would not have a substantial adverse effect on a scenic vista.***



Pursuant to SB 743 and ZI 2452, the Project would result in a less than significant impact to scenic vistas.

***b) The Project would not substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings, within a state-designated scenic highway.***

The Project Site is not located within a State-designated scenic highway. Therefore, the Project would have a less than significant impact with respect to damaging scenic resources within a State-designated scenic highway. Pursuant to SB 743 and ZI 2452, the Project would result in a less than significant impact to scenic resources.

***c) The Project would not conflict with applicable zoning or other regulations governing scenic quality.***

Pursuant to SB 743 and ZI 2452, the Project would result in a less than significant impact to zoning and other regulations governing scenic quality.

***d) The Project would not create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.***

Pursuant to SB 743 and ZI 2452, the Project would result in a less than significant impact to light and glare.

#### **b) Agricultural and Forestry Resources**

***a) The Project would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use.***

The Project would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) to non-agricultural use, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency. Further, the Project Site is currently developed with two commercial buildings and associated surface parking and is not developed with any agricultural or farmland uses. Thus, no impact would occur.

***b) The Project would not conflict with existing zoning for agricultural use, or a Williamson Act Contract.***

The Project Site is zoned [Q]C4-2-CDO and [Q]C2-1-CDO (Commercial), with a General Plan land use designation of Regional Center Commercial, and is not zoned for agricultural use. There are no Williamson Act Contracts in the City of Los Angeles. Therefore, the Project would not conflict with existing zoning for agricultural use, or a Williamson Act Contract, and no impact would occur.

***c) The Project would not conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220[g]), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104 [g]).***

The Project Site is located in an urbanized area of the City of Los Angeles and is developed with two commercial buildings and associated surface parking. The Project Site does not include any forest or timberland and is not zoned as forest land or timberland. As mentioned above, the Project Site is zoned [Q]C4-2-CDO and [Q]C2-1-CDO (Commercial), with a General Plan land use designation of Regional Center Commercial. Therefore, no impact related to this issue would occur.

***d) The Project would not result in the loss of forest land or conversion of forest land to non-forest use.***

The Project Site is currently zoned for commercial uses and is developed with two commercial buildings and associated surface parking. The Project is not used as forest land, and therefore, the Project would not result in the loss of forest land or conversion of forest land to non-forest use. Therefore, no impact related to this issue would occur.

***e) The Project would not involve other changes in the existing environment, which due to their location or nature, could result in conversion of Farmland, to non-agricultural use.***

The Project Site and surrounding area are developed with urban land uses. The Project Site is developed with two commercial buildings and associated surface parking. No agricultural uses or forest land are located on the Project Site or within the area. Therefore, no impact related to this issue would occur.

### **c) Air Quality**

***a) The Project would not conflict with or obstruct implementation of the applicable air quality plan.***

The Project's air quality emissions would not exceed any state or federal standards. Therefore, the Project would not increase the frequency or severity of an existing violation or cause or contribute to new violations for these pollutants. 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 2022 Air Quality Management Plan (AQMP). Likewise, the Project would not exceed the population, housing, and jobs assumptions utilized in preparing the AQMP's emissions inventories. The Project is consistent with control measures and strategies in the 2022 AQMP, which largely target technological advancements in controlling stationary source and mobile source emissions. Finally, as discussed below, Project construction and operational impacts would not be considered significant. Therefore, Project impacts related to this issue would be less than significant.

***b) The Project would not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard.***

Construction and operational emissions were estimated using the South Coast Air Quality Management District (SCAQMD) CalEEMod 2022.1.1.17 model (modeling sheets attached as Appendix A-1 of the Initial Study, which is attached as Appendix A-1 of this Draft EIR).

### **Construction**

Construction activity has the potential to create air quality impacts through the use of heavy-duty construction equipment and through vehicle trips generated by construction workers traveling to and from the Project Site. The construction emissions modeling conservatively assumed that all equipment present on the Project Site would be operating simultaneously and continuously throughout most of the day, while in all likelihood this would rarely be the case. Air quality emissions would generally peak during the demolition and grading phases, when diesel-fueled heavy-duty equipment like excavators and dozers are used to move large amounts of debris and dirt, respectively. This equipment is mobile in nature and does not always operate at in a steady-state mode full load, but rather powers up and down depending on the duty cycle needed to conduct work. As such, equipment is occasionally idle. During other phases of construction (e.g., trenching, building construction, paving, architectural coatings), impacts are generally lesser than during grading because they are less reliant on using heavy equipment with internal combustion engines. Smaller equipment such as forklifts, generators, and various powered hand tools and pneumatic equipment would generally be utilized. As shown in Initial Study Table 6.III-6, construction of the Project would produce VOC, NO<sub>x</sub>, CO, SO<sub>x</sub>, PM<sub>10</sub> and PM<sub>2.5</sub> emissions which do not exceed the SCAQMD's regional thresholds, and would produce NO<sub>2</sub>, CO, PM<sub>10</sub>, and PM<sub>2.5</sub> emissions that do not exceed the SCAQMD's localized thresholds.

The analysis contained in the Initial Study determined that Project impacts with respect to air quality (both regional and localized) during construction would be less than significant. Therefore, no mitigation measures would be required. Nevertheless, as the Project includes a construction period of longer than 18 months and is located within 500 feet of a residence or other sensitive receptor, the Project would implement Mitigation Measure 4.2-3 from the City's Housing and Safety Element EIR, which would further ensure that Project impacts are less than significant during construction.

### **Operation**

Operational emissions of criteria pollutants would come from area sources and mobile sources. Area sources include natural gas for space heating and water heating, gasoline-powered landscaping and maintenance equipment, consumer products such as household cleaners, and architectural coatings for routine maintenance. The CalEEMod program generates estimates of emissions from energy use based on the land use type and size. The Project would also produce long-term air quality emissions primarily from motor vehicles that access the Project Site. As

shown in Initial Study Table 6.III-7, the Project would result in a slight increase in pollutant emissions when compared to existing conditions. Nevertheless, the Project's net emissions would not exceed the SCAQMD's regional or localized significance thresholds. The Project's operational impacts on long-term air pollution would therefore be considered less than significant. Therefore, the operational impacts of the Project on regional and localized air quality are considered less than significant.

***c) The Project would not expose sensitive receptors to substantial pollutant concentrations.***

### **Construction**

As discussed above, as shown in Initial Study Table 6.III-6, during construction of the Project, maximum daily localized unmitigated emissions of NO<sub>2</sub>, CO, PM<sub>10</sub>, and PM<sub>2.5</sub> from sources on the Project Site would remain below each of the respective localized significance threshold (LST) values. Unmitigated maximum daily localized emissions would not exceed any of the localized standards for receptors that are generally within 25 meters of the Project's construction activities. Therefore, based on SCAQMD guidance, localized emissions of criteria pollutants would not have the potential to expose sensitive receptors to substantial concentrations that would present a public health concern.

The primary toxic air contaminant (TAC) that would be generated by construction activities is diesel PM, which would be released from the exhaust stacks of construction equipment. The construction emissions modeling conservatively assumed that all equipment present on the Project Site would be operating simultaneously and continuously throughout most of the day, while in all likelihood this would rarely be the case. Average daily emissions of diesel PM would be less than one pound per day throughout the course of Project construction. Therefore, the magnitude of daily diesel PM emissions, would not be sufficient to result in substantial pollutant concentrations at off-site locations nearby.

### **Operation**

During operation, the Project would generate negligible pollutant concentrations of CO, NO<sub>2</sub>, PM<sub>2.5</sub>, and PM<sub>10</sub> at nearby sensitive receptors from area and energy sources. While long-term operations of the Project would generate traffic that produces off-site emissions, these would not result in exceedances of CO air quality standards at roadways in the area due to three key factors. First, CO hotspots are extremely rare and only occur in the presence of unusual atmospheric conditions and extremely cold conditions, neither of which applies to this Project area. Second, auto-related emissions of CO continue to decline because of advances in fuel combustion technology in the vehicle fleet. Finally, the Project would not contribute to the levels of congestion that would be needed to produce the amount of emissions needed to trigger a potential CO hotspot.

The Project Site would be developed with land uses that are not typically associated with TAC emissions. Typical sources of acutely and chronically hazardous TACs include industrial manufacturing processes (e.g., chrome plating, electrical manufacturing, petroleum refinery). The Project would not include these types of potential industrial manufacturing process sources. It is expected that quantities of hazardous TACs generated on-site (e.g., cleaning solvents, paints, landscape pesticides) for the types of proposed land uses would be below thresholds warranting further study under California Accidental Release Program. 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. As the Project would not contain substantial TAC sources, potential TAC impacts would be less than significant. Therefore, the Project's operational impacts on local sensitive receptors would be less than significant.

***d) The Project would not result in other emissions (such as those leading to odors) adversely affecting a substantial number of people.***

The Project would not result in activities that create objectionable odors. The Project is a mixed-use development with housing and commercial uses that would not include any land uses typically associated with unpleasant odors and local nuisances (e.g., rendering facilities, dry cleaners). SCAQMD regulations that govern nuisances (i.e., Rule 402, Nuisances) would regulate any occasional odors associated with on-site uses, such as restaurants and residences. As a result, any odor impacts from the Project would be considered less than significant.

**d) Biological Resources**

***a) The Project would not have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulation, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.***

The Project Site is located in an urbanized area of the City of Los Angeles and is currently developed with two commercial buildings and surface parking. The Project Site does not contain any natural open spaces, act as a wildlife corridor, nor possess any areas of significant biological resource value. No hydrological features are present on the Project Site and there are no sensitive habitats present. The 11 existing trees on the Project Site would not be sufficient and are not documented to support candidate, sensitive, or special status species identified in local or regional plans, policies, or regulations. Therefore, the removal of the existing trees would not constitute habitat modification. Due to the urbanized nature of the Project Site and surrounding area, the Project Site does not support habitat for candidate, sensitive, or special status species identified in local plans, policies, regulations, by the California Department of Fish and Wildlife (CDFW), the California Native Plant Society (CNPS), or the U.S. Fish and Wildlife Service (USFWS). Therefore, Project impacts would be less than significant.

***b) The Project would not have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.***

There are no riparian areas located on or adjacent to the Project Site. Further, the Project Site is not located in or adjacent to a Biological Resource Area or Significant Ecological Area as defined by the City of Los Angeles or the County of Los Angeles. In addition, there are no sensitive communities on or adjacent to the Project Site as identified by the CDFW or the USFWS. Therefore, Project impacts would be less than significant.

***c) The Project would not have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.***

The Project Site does not contain wetlands or other areas subject to the jurisdiction of the US Army Corps of Engineers, California Department of Fish and Wildlife, or State Water Resources Control Board. In addition, a review of the National Wetlands Inventory identified no wetlands or water features on the Project Site. Thus, the Project would not have a substantial adverse effect on state or federally protected wetlands, and Project impacts would be less than significant.

***d) The Project would not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.***

The Project Site is located in an urbanized area of the City of Los Angeles and is currently developed with two commercial buildings and surface parking. The Project Site currently does not interfere substantially with the movement of any native resident or migratory birds. The Project Site is located within an urban area that is highly disturbed and does not contain any major water bodies that would contain or support habitat for native resident or migratory bird species. According to the tree report prepared for the Project Site (included as Appendix B of the Initial Study, which is attached as Appendix A-1 to this Draft EIR), the Project Site contains 11 trees, which may potentially provide nesting sites for migratory birds. The Project would comply with the Migratory Bird Treaty Act (MBTA) and California Fish & Game Code Section 3503. To ensure that impacts with respect to nesting and migratory birds are less than significant, the Project would incorporate the second and third paragraphs of Mitigation Measure 4.3-1(b) from the City's Housing and Safety Element EIR (the first paragraph of this mitigation measure is not applicable to the Project).

***e) The Project would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance (e.g., oak trees or California walnut woodlands).***

According to the tree report prepared for the Project Site (included as Appendix B of the Initial Study, which is attached as Appendix A-1 of this Draft EIR), none of the 11 trees located on the

Project Site are protected trees under the City's Protected Tree Ordinance. The Project would remove all existing trees on the Project Site. Further, there are no existing street trees located along the Project Site frontage on Wilshire Boulevard, Cochran Avenue, and Cloverdale Avenue. As none of the trees located on the Project Site are protected trees, and as there are no street trees that would be removed, Project impacts would be less than significant.

***f) The Project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.***

The Project Site is located in an urbanized area of the City of Los Angeles and is currently developed with two commercial buildings and surface parking. The Project Site is not located in or adjacent to an existing or proposed Significant Ecological Area. Additionally, there is no adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan that applies to the Project Site. Therefore, the Project would not conflict with any habitat conservation plans and Project impacts would be less than significant.

#### **e) Cultural Resources**

***b) The Project would not cause a substantial adverse change in the significance of an archaeological resource.***

According to the Archaeological Report (included as Appendix C of the Initial Study, which is attached as Appendix A-1 to this Draft EIR), archival research documents the land use history of the Project Site and its transition from use in livestock grazing in the mid-nineteenth century, to industrial properties in the 1890s, and to primarily commercial uses by the 1940s. Aerial photographs from the late 1920s show widespread ground disturbances in the area resulting from oil operations, which included the excavation of wells and storage tanks and extensive grading for creation of the structures and vehicle travel. The Project Site was undeveloped at this time, but the surrounding area was being developed as single-home residential neighborhoods with commercial structures along Wilshire Boulevard. By 1938, the Project Site was developed with three of the existing buildings, with the fourth constructed by 1956. According to the Archaeological Report, building construction from this time period would have likely destroyed most types of Historic-period archaeological deposits from the preceding decades, such as a trash pit or building foundations. The presence of Historic-period artifacts or features that predate the construction of the extant buildings on the Project Site cannot be completely ruled out, but the likelihood of such materials being preserved is considered low. The Project requires the excavation of the underlying alluvial sediments and the removal of the overlying artificial fill. The Project would implement Mitigation Measure MM 4.4-2 from the City's Housing and Safety Element EIR. Therefore, in the event that any archaeological resources are discovered during grading, excavation, or other soil-disturbing activities, implementation of MM 4.4-2 would ensure that Project impacts with respect to archaeological resources are less than significant.

***c) The Project would not disturb any human remains, including those interred outside of dedicated cemeteries.***

Although the Project Site has been subject to grading and development in the past, the Project would require excavations below ground surface. No human remains are known to exist at the Project Site. Although unlikely, there is a possibility that human remains could be encountered during excavation and grading activities, which is a potential significant impact. Should human remains inadvertently be encountered, the Project would comply with the existing regulations, including State Health and Safety Code Section 7050.5 and Public Resources Code Section 5097.98. State Health and Safety Code Section 7050.5 requires that no further ground disturbance shall occur until the County Coroner has made the necessary findings as to the origin and disposition of the remains, pursuant to Public Resources Code Section 5097.98. Compliance with existing regulations described above would ensure appropriate treatment of any potential human remains discovered during construction grading and/or excavation activities. Therefore, the Project's impacts on human remains would be less than significant.

**f) Energy**

***a) The Project would not result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources.***

The Project would not result in the wasteful, inefficient, or unnecessary consumption of energy during construction or operation. The Project's energy requirements would not significantly affect local and regional supplies or capacity. The Project's energy usage during peak and base periods would also be consistent with electricity and natural gas future projections for the region. Electricity generation capacity, and supplies of natural gas and transportation fuels, would also be sufficient to meet the needs of Project-related construction and operations. During operation, the Project would comply with the City's existing energy efficiency requirements under the City's Green Building Code. In summary, the Project's energy demands would not significantly affect available energy supplies and would comply with existing energy efficiency standards. Therefore, Project impacts related to energy use would be less than significant during construction and operation.

***b) The Project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency.***

The energy conservation plans and policies relevant to the Project include, but are not limited to, the California Title 24 energy standards, the 2019 CALGreen building code, and the City of Los Angeles Green Building Code. As these conservation policies are mandatory under the City of Los Angeles Building Code, the Project would not conflict with or obstruct implementation of applicable plans for renewable energy or efficiency. In addition, the Project would implement sustainability measures to exceed Title 24 energy efficiency requirements. With regard to transportation related energy usage, the Project would comply with the goals of SCAG's 2020-2045 RTP/SCS, which incorporates VMT targets established by SB 375. The Project's mixed-use



development, location within a job center, and proximity to public transportation would serve to reduce VMT and associated transportation fuel usage within the region. In addition, vehicle trips generated during Project operations would comply with CAFÉ fuel economy standards. Therefore, the Project would not conflict with adopted energy conservation plans, or violate State or federal energy standards, and Project impacts associated with regulatory consistency would be less than significant.

### **g) Geology and Soils**

***a.i) The Project would not directly or indirectly cause substantial adverse effects, including the risk of loss, injury, or death involving the rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map or based on other substantial evidence of a known fault.***

According to the Geotechnical Investigation prepared for the Project, the Project Site is not located within an Alquist-Priolo Earthquake Fault Zone, and no known faults exist on the Project Site. Additionally, the Project does not propose any types of activities or uses which could cause a rupture in a fault, such as injection wells, hydraulic fracturing, etc. Thus, the Project would not directly or indirectly cause rupture of a fault, and further would not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault on the Project Site. Additionally, given that no active or potentially active faults with the potential for surface fault rupture are known to pass directly beneath the Project Site, the Project would not exacerbate existing fault rupture conditions. Therefore, the Project would not cause potential substantial adverse effects as a result of a known earthquake fault in or around the Project Site, and Project impacts with respect to fault rupture would be less than significant.

***a.ii) The Project would not directly or indirectly cause substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking.***

The Project Site is located in a seismically active Southern California region. According to the Geotechnical Memo contained in Appendix D-2 of the Initial Study (which is included as Appendix A-1 of this Draft EIR), known regional active faults that could produce significant ground shaking at the Project Site include the Hollywood Fault (approximately 2.8 miles north of the Project Site), the Newport-Inglewood Fault System (approximately 2.84 miles west of the Project Site), and the Santa Monica Fault (approximately 3.81 miles to the northwest of the Project Site). However, the Project does not include the types of activities, such as mining operations, boring of large areas, the extraction or injection of oil or groundwater, horizontal drilling, or other industrial activities that would cause or exacerbate substantial adverse effects involving strong seismic ground shaking. Given the Project Site's location in a seismically active region, the Site could experience seismic ground shaking in the event of an earthquake. However, as with any new development in the State of California, building design and construction for the Project would be required to conform to the current seismic design provisions of the California Building Code (CBC). Additionally,

construction of the Project would be required to adhere to the seismic safety requirements contained in the Los Angeles Building Code (LABC), as well as the applicable recommendations provided in the geotechnical investigations required by the City to minimize seismic-related hazards. Development of the Project would not exacerbate seismic conditions on the Project Site. With compliance with existing building codes, Project impacts associated with seismic ground shaking would be less than significant.

***a.iii) The Project would not directly or indirectly cause substantial adverse effects, including the risk of loss, injury, or death involving seismic-related ground failure, including liquefaction.***

As discussed in the Geotechnical Engineering Investigation prepared for the Project Site, the Seismic Hazards Map of the State of California does not classify the Project Site as part of a potentially “Liquefiable” area. It should be noted that the Project’s proposed subterranean levels and foundation elements would extend to a maximum depth of 63 feet below the existing Project Site grade. Based on the dense nature of the underlying Older Alluvial soils and bedrock below, both not prone to liquefaction, the potential for liquefaction at the Project Site is considered to be remote. Construction of the Project would not involve the injection of water or any other liquid into the ground. In addition, construction of the Project would be subject to the LABC requirements and recommendations included in the required final geotechnical report. As such, liquefaction potential for the Project Site is considered remote. Based on the above, development of the Project would not cause or exacerbate geologic hazards, including seismic-related liquefaction. Therefore, Project impacts related to liquefaction would be less than significant.

***a.iv) The Project would not directly or indirectly cause substantial adverse effects, including the risk of loss, injury, or death involving landslides.***

The Project Site and adjacent properties are flat and do not contain any slopes or hillside areas. The Project Site is not located within a City of Los Angeles Hillside Grading Area or a Hillside Ordinance Area. Thus, the Project would not result in any impacts related to landslides. Based on the above, development of the Project would not cause or exacerbate geologic hazards, including landslides, and no impact would occur.

***b) The Project would not result in substantial soil erosion or the loss of topsoil.***

The Project Site is currently completely developed with impervious surfaces and does not contain any topsoil. Specifically, the Project Site is currently developed with two commercial buildings and surface parking. During the Project’s construction phase, activities such as excavation below ground surface, grading, and site preparation could leave soils at the Project Site susceptible to soil erosion. However, the Project would be required to comply with SCAQMD Rule 403 – Fugitive Dust to minimize wind and water-borne erosion at the Site, as well as prepare and implement a Stormwater Pollution Prevention Plan (SWPPP), in accordance with the National Pollutant Discharge Elimination System (NPDES) General Permit for Discharges of Storm Water Associated with Construction Activity and Land Disturbance Activities. The site-specific SWPPP

would be prepared prior to earthwork activities and would be implemented during Project construction. The SWPPP would include best management practices (BMPs) and erosion control measures to prevent pollution in storm water discharge. Typical BMPs that could be used during construction include good-housekeeping practices (e.g., street sweeping, proper waste disposal, vehicle and equipment maintenance, concrete washout area, materials storage, minimization of hazardous materials, proper handling and storage of hazardous materials, etc.) and erosion/sediment control measures (e.g., silt fences, fiber rolls, gravel bags, storm water inlet protection, and soil stabilization measures, etc.). The SWPPP would be subject to review and approval by the City (specifically LA Sanitation/Department of Public Works) for compliance with the City's Development Best Management Practices Handbook, Part A, Construction Activities. Additionally, all Project construction activities would be required to comply with the City's grading permit regulations, which require the implementation of grading and dust control measures, including a wet weather erosion control plan if construction occurs during rainy season, as well as inspections to ensure that sedimentation and erosion is minimized. Through compliance with these existing regulations, the Project would not result in any significant impacts related to soil erosion during the construction phase.

Further, during the Project's operational phase, most of the Project Site would be developed with impervious surfaces, and all stormwater flows would be directed to storm drainage features and would not come into contact with bare soil surfaces. The Project would comply with the City's Low Impact Development (LID) Ordinance, which requires BMPs that address runoff and pollution at the source. To comply with LID Ordinance, the Project would be required to capture and treat the first 3/4-inch of rainfall in accordance with established stormwater treatment protocols. Therefore, with compliance with applicable regulatory requirements, development of the Project would not cause or exacerbate soil erosion or loss of topsoil and impacts regarding soil erosion or the loss of topsoil would be less than significant.

***c) The Project would not be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the Project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse.***

The Project would extend approximately 44 feet below the existing grade, and grading will consist of excavations to a maximum of 63 feet in depth for the proposed subterranean parking levels and foundation elements. According to the Geotechnical Engineering Investigation (included as Appendix D-1 to the Initial Study, which is attached as Appendix A-1 of this Draft EIR), excavation for the proposed subterranean levels would remove the existing fill materials and would expose the underlying dense San Pedro Formation, composed primarily of dense and very dense silty sands and sands with occasional layers of stiff sandy clays. The proposed building may be supported on a mat foundation bearing in the dense San Pedro Formation, which would be suitable to bear the weight of the Project. Despite construction of the Project, the San Pedro Formation would not be likely to become unstable due to the very dense soils that make up the San Pedro Formation. As Also discussed in the Geotechnical Engineering Investigation prepared for the Project, liquefaction- related effects include lateral spreading. For the reasons set forth

above and in the Geotechnical Engineering Investigation, the liquefaction potential at the Project Site is considered to be remote. Therefore, the Project would not be susceptible to liquefaction or lateral spreading. The Project Site is not located within an area of known ground subsidence. No large-scale extraction of groundwater, gas, oil, or geothermal energy is occurring or planned at the Project Site or in the general vicinity. Thus, the potential for subsidence due to withdrawal of fluids or gases to adversely impact the Site is considered low.

The Project Applicant would be required by the Los Angeles Department of Building and Safety (LADBS), as part of the permitting process, to submit a final geotechnical report that would address the building standards and recommendations that shall be followed in order to construct the proposed structure in accordance with CBC and LABC building standards that apply to building within the types of soils found at the Project Site, including areas prone to geologic or soil instability. Through compliance with the CBC and LABC, and with recommendations included in the final geotechnical report, impacts related to geologic and soil instability would be less than significant. Based on the above, development of the Project would not cause or exacerbate geologic hazards by being located on a geologic unit or soil that is unstable, or that would become unstable as a result of the Project, and related impacts related to such matters would be less than significant.

***d) The Project would not be located on expansive soil, as defined in Table 18 1 B of the Uniform Building Code.***

According to the Geotechnical Engineering Investigation prepared for the Site (included as Appendix D-1 to the Initial Study, which is attached as Appendix A-1 of this Draft EIR), borings were excavated between 70 and 100 feet in depth below the existing site grade, and the geologic materials encountered within the upper five feet of the Project Site are in the high expansion range. The Project would extend approximately 44 feet below the existing grade, and grading will consist of maximum excavations up to 63 feet in depth for the proposed subterranean parking levels and foundation elements. Therefore, these potentially expansive soils would be removed during the excavation required to construct the Project's subterranean parking. According to the Geotechnical Engineering Investigation, the native soils to an approximate depth of 40 feet consist of the Lakewood Formation, comprising primarily of sandy to silty clays, with occasional layers of silty sands, while the native soils below a depth of 40 feet consist of the San Pedro Formation, comprising primarily of dense and very dense silty sands and sands with occasional layers of stiff sandy clays. The Project would be designed and constructed in conformance with current CBC and LABC requirements and the recommendations of the final geotechnical report. Thus, the Project would include foundations appropriate for the type of the soil at the Project Site and therefore would not create a substantial risk to individuals and/or property. Based on the above, development of the Project would not cause or exacerbate geologic hazards and Project impacts with respect to expansive soils would be less than significant.

***e) The Project would not have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater.***

The Project does not propose any septic tanks or alternative wastewater disposal systems. Further, demolition and construction activities typically do not involve the generation of wastewater that would need to be treated by wastewater treatment infrastructure that serves the Project Site, and as such, the Project would not generate wastewater that would have the potential to impact the soils at the Project Site. Therefore, the Project would not result in any impacts with respect to septic tanks or alternative wastewater disposal systems.

***f) The Project would not directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.***

According to the Paleontological Report (included as Appendix D-3 of the Initial Study, which is attached as Appendix A-1 to this Draft EIR), due to the abundant fossil resources recorded by the Natural History Museum of Los Angeles County (LACM) in older alluvial sediments, particularly asphaltic sediments, older alluvium is assigned high paleontological sensitivity. The Project would therefore implement Mitigation Measures 4.5-1(a) through 4.5-1(d) from the City's Housing and Safety Element EIR. In the event that any paleontological resources are discovered during grading, excavation, or other soil-disturbing activities, implementation of MM 4.5-1(a) through 4.5-1(d) would ensure that Project impacts with respect to paleontological resources are less than significant.

#### **h) Greenhouse Gas Emissions**

***a) The Project would not generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.***

***b) The Project would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases.***

The plan consistency analysis included in the Initial Study (included as Appendix A-1 of this Draft EIR) demonstrates that the Project would not conflict with the applicable plans, policies, regulations, and GHG emissions reduction actions/strategies outlined in the *2022 Climate Change Scoping Plan and Update*, the 2020–2045 RTP/SCS, and the Green New Deal. Consistency with these plans, policies, regulations, and GHG emissions reduction actions/strategies would reduce the Project's incremental contribution of GHG emissions. Therefore, Project-specific and cumulative impacts with regard to climate change would be less than significant.

## **i) Hazards and Hazardous Materials**

### ***a) The Project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.***

The types of hazardous materials that would be used during construction of the Project would be typical of those hazardous materials necessary for construction of a mixed-use development (e.g., paints, solvents, fuel for construction equipment, building materials, etc.). Although construction of the Project would require the routine transport, use, and disposal of hazardous waste, the Project would be in full compliance with all applicable federal, state, and local requirements concerning the use, storage, and management of hazardous materials, including but not limited to, the Resource Conservation and Recovery Act, California Hazardous Waste Control Law, Federal and State Occupational Safety and Health Acts, SCAQMD rules, and permits and associated conditions issued by LADBS. Consequently, Project construction activities would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.

The Project includes the development of 348 multi-family units, as well as restaurant and retail uses. The types of hazardous materials that would be found on the Project Site during the Project's operational phase would be those typically associated with residential and commercial land uses – paints, cleaning supplies, small amounts of petroleum products, etc. The use of these materials would comply with all applicable federal, state, and local regulations, which may include the Resource Conservation and Recovery Act, California Hazardous Waste Control Law, Federal and State Occupational Safety and Health Acts, SCAQMD rules, and permits and associated conditions issued by LADBS. Therefore, the Project would not require the routine transport, use, or disposal of hazardous materials that would create a significant hazard to the public or the environment, and Project impacts related to this issue would be less than significant.

### ***b) The Project would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.***

The Phase I Environmental Site Assessment (ESA) prepared for the Project Site (included as Appendix E-1 of the Initial Study, which is attached as Appendix A-1 of this Draft EIR) identified five potential recognized environmental conditions (RECs) based on the current and/or historical use of the adjacent properties as gas and oil facilities and dry cleaners. Therefore, a Phase II ESA was prepared for the Project Site (included as Appendix E-2 of the Initial Study), which also included a methane survey and a soil vapor assessment to determine whether the Project Site was adversely affected by the adjacent land uses. Because VOCs and TPHg were not detected above their respective laboratory reporting limits, the soil vapor at the Project Site does not appear to be impacted by the former adjacent and nearby laundromats/cleaners and gasoline stations/automotive repair facilities. Therefore, no additional assessment pertaining to these issues is recommended, and Project impacts would be less than significant. Methane was not detected in any of the samples analyzed. In addition, no pressure was detected in any of the

borings. Based on these results, the Project Site does not appear to be impacted by its location within a methane zone. Therefore, no additional assessment pertaining to methane is recommended. However, the Project would be required to comply with the City's methane mitigation regulations related to development in methane zones, and Project impacts would be less than significant.

Based on the age of the existing buildings, it is assumed that they contain asbestos containing materials (ACMs). Removal of asbestos in a building is not unusual and can be readily accomplished. In accordance with existing City, State, and federal rules and regulations, including the federal EPA's National Emission Standards for Hazardous Air Pollutants (NESHAP) regulation (40 Code of Federal Regulations 61 Subpart M), the federal regulations under the Occupational Safety and Health Act (29 Code of Federal Regulations Section 1926.1101) California Occupational Safety and Health Administration (CAL-OSHA) regulations (California Code of Regulations, title 8, Sections 341.15, 1529), and SCAQMD Rule 1403, all materials, which are identified as ACM, would be removed by a trained and licensed asbestos abatement contractor, as required by NESHAP and CAL- OSHA. The removal and disposal of ACMs from the Project Site in accordance with existing regulations would ensure that the Project would not create a significant hazard to the public or the environment through accident or upset conditions, and the Project's impact would be less than significant.

Based on the age of the existing buildings, it is assumed that they contain lead-based paint (LBP), which could be released during demolition activities. In order to ensure minimal exposure to sensitive receptors and workers, LBP found in the building is required, by state law, to be removed and disposed of by a qualified Department of Health Services lead consultant in accordance with applicable federal, State, and City regulations, including the federal regulations under the Occupational Safety and Health Act (29 Code of Federal Regulations Section 1926 et seq.), CAL-OSHA regulations (California Code of Regulations, title 8, Sections 1532.1 and 35001 et seq.). The removal and disposal of LBP from the Project Site in accordance with existing regulations would ensure that the Project would not create a significant hazard to the public or the environment through accident or upset conditions, and impacts would be less than significant.

***c) The Project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.***

The closest school to the Project Site is the Wilshire Crest Elementary School, which is located approximately one-quarter mile from the Project Site. As discussed above, the Project would use paints, cleaning supplies, and small amounts of petroleum products, which could emit hazardous emissions. However, the use of these materials would comply with all applicable federal, state, and local regulations. In addition, there are intervening structures and roadways between this school and the Project Site, and the distance between the Project Site and the school would ensure that the Project's use of these materials would not pose a hazard to schools. Therefore, the Project would not be expected to emit hazardous emissions within one-quarter mile of an existing or proposal, and this impact would be less than significant.

***d) The Project Site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.***

California Government Code Section 65962.5 requires various state agencies, including but not limited to, the Department of Toxic Substances Control (DTSC) and the State Water Resources Control Board (SWRCB), to compile lists of hazardous waste disposal facilities, unauthorized releases from underground storage tanks, contaminated drinking water wells, and solid waste facilities where there is known migration of hazardous waste and submit such information to the Secretary for Environmental Protection on at least an annual basis. The Project Site is not included on any list compiled pursuant to Government Code Section 65962.5, and therefore, the construction and operation of the Project would not create a significant hazard to the public or the environment as a result of being on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5, and no impact would occur.

***e) The Project is not located within an airport land use plan, or within two miles of a public airport or public use airport.***

The Project Site is not located within an airport land use plan or within two miles of a public airport. The closest airports to the Project Site are the Santa Monica Airport and Los Angeles International Airport (LAX), both of which are located over eight miles from the Project Site. Thus, implementation of the Project would not have the potential to exacerbate current environmental conditions as to result in a safety hazard for people residing or working in the area of the Project Site, and no impact would occur.

***f) The Project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.***

The Safety Element of the City's General Plan includes Exhibit H, Critical Facilities and Lifeline Systems, which identifies emergency evacuation routes, or disaster routes, along with the location of selected emergency facilities. In the Project area, Wilshire Boulevard is designated as an emergency/disaster route. While it is expected that the majority of construction activities would be confined to the Project Site, limited off-site construction activities may occur in the right-of-way in adjacent streets during certain periods of the day, which could potentially require temporary lane closures. However, if lane closures are necessary, both directions of travel would continue to be maintained in accordance with standard construction management plans that would be implemented to ensure adequate circulation and emergency access. During operation, the Project would not require the permanent closure of any public or private streets and would not impede emergency vehicle access to the Project Site or surrounding area. In addition, the Project would comply with LAFD access requirements and applicable LAFD regulations regarding safety and access. Therefore, the Project would not impede emergency access within the Project Site or vicinity that could then cause an impediment along City- designated disaster routes, such that the Project would impair implementation of the City's emergency response plan, and impacts would be less than significant.



***g) The Project would not expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires.***

The Project Site is located in an urbanized area and is not located in a Very High Fire Hazard Severity Zone. The Project would not create a fire hazard that has the potential to exacerbate the current environmental condition relative to wildfires, and no impact would occur.

**j) Hydrology and Water Quality**

***a) The Project would not violate water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality.***

During construction of the Project, particularly during the grading and excavation phases, stormwater runoff from precipitation events could cause exposed and stockpiled soils to be subject to erosion and convey sediments into municipal storm drain systems. In addition, on-site watering activities to reduce airborne dust could contribute to pollutant loading in runoff during a rain event. Pollutant discharges relating to the storage, handling, use and disposal of chemicals, adhesives, coatings, lubricants, and fuel could also occur. The Project would be required to comply with the NPDES General Construction Permit, which satisfies the LARWQCB water quality standards, including the preparation of a SWPPP and implementation of BMPs, required to minimize soil erosion and sedimentation from entering the storm drains during the construction period. The Project's NPDES/SWPPP compliance would be reviewed and approved by the LARWQCB. In addition, the Project would be subject to the City's Stormwater and Urban Runoff Pollution Control regulations (Ordinance No. 172,176 and No. 173,494) requiring the Project construction to ensure pollutant loads from the Project Site would be minimized for downstream receiving waters. Compliance with the NPDES and implementation of the SWPPP and BMPs, as well as the City's discharge requirements, would ensure that the Project complies with the LARWQCB standards and therefore that construction stormwater runoff would not violate water quality and/or discharge requirements.

Stormwater runoff generated during operation of the Project has the potential to introduce small amounts of pollutants typically associated with mixed-use developments (e.g., household cleaners, landscaping pesticides, and vehicle petroleum products) into the stormwater system. The SUSMP is a plan that designates BMPs that must be used in specified categories of development projects. Stormwater runoff from precipitation events could carry urban pollutants into municipal storm drains, but the Project's operations would be required to comply with the City's LID Ordinance (Ordinance No. 183,833), which applies to all development and redevelopment projects in the City that require a building permit. LID plans are required to include a site design approach and BMPs that address runoff and pollution at the source. Further, to comply with LID Ordinance, the Project would be required to capture and treat the first 3/4-inch of rainfall in accordance with established stormwater treatment protocols.

Compliance with the LID Ordinance would reduce the amount of surface water runoff leaving the Project Site during Project operations as compared with the current conditions. Compliance with

the LID Plan and SUSMP, including the implementation of BMPs, would ensure that operation of the Project would not violate water quality standard and discharge requirements or otherwise substantially degrade water quality. Compliance with these regulations would ensure construction and operational activities would not violate water quality standards, waste discharge requirements, or otherwise substantially degrade water quality, and Project impacts related to water quality would be less than significant.

***b) The Project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin.***

The Project Site is located in an urbanized area of the City and is developed with impervious surfaces (commercial buildings and associated surface parking). During a storm event, stormwater runoff flows to the adjacent roadways where it is directed into the City's storm drain system. As such, the Project Site is not a source of groundwater recharge under existing conditions. Following redevelopment of the Project Site, groundwater recharge would remain negligible, similar to existing conditions. Based on the Geotechnical Engineering Investigation conducted for the Project Site (included as Appendix D-1 of the Initial Study, which is attached as Appendix A-1 of this Draft EIR), the historic high groundwater level at the Project Site is 10 feet. The depth of excavation for the Project's three subterranean levels would exceed this depth. Therefore, temporary dewatering may be required during construction. However, the amount of groundwater infiltration likely to occur would be minimal given the small area and depth of the proposed excavation. In addition, all potential dewatering operations would be conducted in compliance with all applicable regulations and requirements, including with all relevant NPDES requirements related to construction and discharges from dewatering operations. Due to the operation of dewatering systems being temporary, local groundwater hydrology in the immediate vicinity of the Project Site would be minimally affected. Additionally, all water consumption associated with the Project would be supplied by LADWP and not from groundwater beneath the Project Site. While local groundwater supplies approximately 12% of the water supply for the City, LADWP does not identify any groundwater basins or wells in the Project vicinity. Therefore, impacts related to groundwater as a result of the Project would be less than significant.

***c.i) The Project would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site.***

The Project Site is located in a highly urbanized area of the City, with a general lack of permeable surfaces on the Project Site and in the immediate surrounding area, as most sites are developed with urban uses. There are no natural watercourses on the Project Site. As discussed above, the Project Site is currently developed with existing commercial buildings and paved parking lots and is therefore completely impervious. Current stormwater runoff flows to the local storm drain system. Under the post-Project condition, the Project Site would include approximately 7,041 square feet of planted areas. Therefore, the Project Site would be developed with additional permeable surfaces when compared to existing conditions, based on the amount of landscaping

that would be provided as part of the Project. The Project Applicant would be required to prepare a SWPPP and implement BMPs to reduce runoff and preserve water quality during construction of the Project. While grading and construction activities may temporarily alter the existing drainage patterns of the Project Site, required BMPs would be implemented to minimize soil erosion impacts during Project during the pendency of such activities. In addition, the Project Applicant would be required by City Ordinance No. 183,833 to implement a LID Plan (during operation), which would reduce the amount of surface water runoff leaving the Project Site after a storm event. Specifically, the LID Plan would require the implementation of stormwater BMPs to retain or treat the runoff from a storm event producing 3/4-inch of rainfall in a 24-hour period. Therefore, the Project would not alter drainage patterns such that it would result in substantial erosion or siltation on- or off-site. Impacts would be less than significant.

***c.ii) The Project would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site.***

Grading and construction activities on the Project Site would temporarily alter the existing drainage patterns and reduce off-site flows. However, construction and operation of the Project would not result in a significant increase in site runoff or any changes in the local drainage patterns that would result in flooding on- or off-site. The Project would be required by the SWRCB to prepare a SWPPP and implement BMPs to reduce runoff and preserve water quality during construction of the Project. Compliance with the LID Ordinance would also reduce the amount of surface water runoff leaving the Project Site during Project operations as compared to the current conditions. Impacts would therefore be less than significant.

***c.iii) The Project would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff.***

Pursuant to City regulation, stormwater retention would be required as part of the LID/SUSMP implementation features (despite no increase in impervious surfaces on the Project Site). Any contaminants gathered during routine cleaning of construction equipment would be disposed of in compliance with applicable stormwater pollution prevention permits. During construction, the Applicant will be required to demonstrate compliance with NPDES permitting, and will implement all applicable and mandatory BMPs in accordance with the approved LID Plan and the SWPPP. These "good-housekeeping" practices would ensure that short-term construction-related activities would not result in polluted stormwater leaving the site.

Pollutants resulting from Project operation, including petroleum products associated with the Project's parking and circulation areas, would be subject to the requirements and water quality standards and wastewater discharge BMPs set forth by the City, the SWRCB, and the Project's

approved LID Plan. Further, the Project would be required to comply with the NPDES and applicable LID Ordinance requirements. Accordingly, the Project would be required to demonstrate compliance with LID Ordinance standards and retain or treat the first three-quarters inch of rainfall in a 24-hour period. Thus, as a result of a reduction in impervious surfaces and compliance with regulations which reduce stormwater flows during rainfall events, the Project would not create or contribute surface runoff that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff. Therefore, Project impacts related to storm drain capacity and water quality during Project operations would be less than significant.

***c.iv) The Project would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would impede or redirect flood flows.***

The Project Site is not located near any bodies of water, rivers, or streams that are subject to flooding. Thus, the Project would not have the potential to impede or redirect flood flows and no impact related to this issue would occur.

***d) The Project would not risk the release of pollutants in flood hazard, tsunami, or seiche zones.***

The Project Site is not located within a 100-year flood zone, as mapped by the Federal Emergency Management Agency (FEMA, Flood Insurance Rate Map number 06037C1605F). Further, as the Project Site is located approximately nine miles east of the Pacific Ocean, the Safety Element of the General Plan does not map the Project Site as being located within an area potentially affected by a tsunami. Therefore, the Project would not expose people or structures to a significant risk of loss, injury, or death involving inundation by seiche, tsunami, or mudflow, and no impact would occur.

***e) The Project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.***

The Project would comply with the NPDES program, which would ensure that stormwater pollutants would not substantially degrade water quality. Further, the Project would be required to comply with the City's SUSMP requirements. Compliance with these regulations would ensure that impacts with respect to a water quality control plan are less than significant. While local groundwater supplies approximately 12% of the water supply for the City, LADWP does not identify any groundwater basins or wells in the Project vicinity. Therefore, the Project would not conflict with or obstruct implementation of a groundwater management plan. Further, the historic high groundwater level at the Project Site is 10 feet. The depth of excavation for the Project's three subterranean levels would exceed this depth. Therefore, temporary dewatering may be required during construction. However, the amount of groundwater infiltration likely to occur would be minimal given the small area and depth of the proposed excavation. In addition, all potential dewatering operations would be conducted in compliance with all applicable regulations and

requirements, including with all relevant NPDES requirements related to construction and discharges from dewatering operations. Due to the operation of dewatering systems being temporary, local groundwater hydrology in the immediate vicinity of the Project Site would be minimally affected. Therefore, the Project would not conflict with or obstruct implementation of a groundwater management plan, and this impact would be less than significant.

### **k) Land Use and Planning**

#### ***a) The Project would not physically divide an established community.***

The Project Site is located in a highly urbanized area of the City currently developed with commercial buildings. Additionally, the Project Site is entirely surrounded by existing development and roadways. The Project would provide a mix of residential and retail/restaurant uses, which would be consistent with other land uses in the surrounding area and compatible with the surrounding community. As such, the Project would be compatible with and complement existing and proposed uses in the surrounding area and would not be of a density, scale, or height to constitute a physical barrier separating an established community. Thus, Project impacts would be less than significant.

#### ***b) The Project would not 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.***

The Project is consistent with the General Plan land use designation and zoning for the Project Site. The Initial Study (attached as Appendix A-1 of this Draft EIR), including the tables attached as Appendix F to the Initial Study, includes a discussion of the Project's consistency with the 2020-2045 RTP/SCS, the General Plan, the Wilshire Community Plan, as well as the City's General Provisions and Zoning Code. The Project is not required to be consistent with every plan and policy. As provided in the analysis contained in the Initial Study, the Project would be far more consistent with the applicable plans and policies adopted for the purpose of avoiding or mitigating an environmental effect than it is inconsistent. In addition, the Project furthers the vast majority of the policies contained in the applicable plans. Therefore, Project impacts would be less than significant.

### **l) Mineral Resources**

#### ***a) The Project would not result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state.***

There are no known mineral resources on the Project Site or in the vicinity. The Project Site is currently zoned [Q]C4-2-CDO and [Q]C2-1-CDO and has a land use designation of Regional Center Commercial, and is currently developed with two commercial buildings totaling approximately 38,545 square feet and associated surface parking. Thus, the Project Site is not zoned for oil extraction and drilling, or mining of mineral resources, and there are no such activities

occurring at the Project Site. The Project Site is not located within a mineral producing area as classified by the California Geological Survey. Further, the Project Site is not located in an identified Mineral Resource Zone in the City of Los Angeles General Plan Conservation Element. Thus, the Project would not result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state, and no impact would occur.

***b) The Project would not result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan.***

The Project Site is located in an urbanized area of the City of Los Angeles and is not located in an identified Mineral Resource Zone in the City of Los Angeles General Plan Conservation Element or any other applicable land use plan. Thus, the Project would not result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan. Therefore, no impact related to this issue would occur.

#### **m) Noise**

***c) The Project is not located within the vicinity of a private airstrip or an airport land use plan or within two miles of a public airport or public use airport.***

The Project Site is not located within an airport land use plan or within two miles of a public airport or public use airport. The closest airports to the Project Site are LAX and the Santa Monica Airport, both of which are over eight miles from the Project Site. Therefore, the Project would not exacerbate the existing airport noise conditions so as to expose people residing or working in the Project area to excessive noise levels. Therefore, the Project would not expose people residing or working in the Project area to excessive noise levels within two miles of a public airport or public use airport, and no impact would occur.

#### **n) Population and Housing**

***a) The Project would not induce substantial unplanned population growth in an area, either directly or indirectly.***

The construction activities associated with the Project would create temporary construction-related jobs. Nevertheless, the work requirements of most construction activities are highly specialized, so that construction workers remain at a job site only as long as their specific skills are needed to complete a particular phase of the construction process. Accordingly, construction workers would not be anticipated to relocate their residence to the Project area and would not induce substantial population growth and/or require permanent housing. Therefore, the Project's indirect population growth impacts related to construction activities would be less than significant.

In addition to the Project's population (810 people) and housing units (348 units) being within the quantitative growth forecast for the City as a whole, as demonstrated in the analysis contained in the Initial Study (which is included as Appendix A-1 of this Draft EIR), the Project would also be

in a location where new growth is planned and encouraged. Specifically, according to the 2020-2045 RTP/SCS, the Project Site is located within a HQT A PGA, and would provide 348 housing units near transit (bus lines and the future Metro D Line) and is therefore consistent with the location and land use pattern for new growth encouraged by the RTP/SCS. As the Project's estimated population, housing, and employment generation would be within SCAG planned growth forecasts for the City of Los Angeles, and as the Project does not include the extension of roadways or other infrastructure, the Project would not indirectly or directly induce substantial unplanned population growth. Therefore, Project impacts related to unplanned population growth would be less than significant.

***b) The Project would not displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere.***

No housing currently exists on the Project Site, and no people live on the Project Site. As noted above, the Project Site is currently developed with two commercial buildings and associated surface parking. Thus, the Project would not displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere. Therefore, no impact would occur.

**o) Public Services**

***a) The Project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for fire protection.***

Based on the uses currently occurring at the Project Site, the Project Site currently generates a low demand for Los Angeles Fire Department (LAFD) fire protection services. Once completed, the Project would increase the building area and both the daytime and nighttime population of the Project Site compared to existing conditions. As such, the Project would increase the demand for LAFD fire protection services within LAFD's South Bureau. The Project-related operational uses at the Project Site would be expected to generate a range of fire service calls similar to other such uses, including kitchen/house fires, garbage bin fires, car fires, and electrical fires. The Project would not include any unique or especially hazardous uses, such as industrial facilities, that utilize or generate large quantities of hazardous and/or toxic materials that could pose an extreme risk of serious accident or fire at the Project Site. The types of fires that could potentially occur within the Project Site would be adequately suppressed with the fire equipment found at the fire stations nearest to the Project Site.

Compliance with applicable regulatory requirements, including LAFD's fire/life safety plan review and LAFD's fire/life safety inspection for new construction projects, would ensure that adequate fire prevention features that would reduce the demand on LAFD facilities and equipment resulting from the Project are implemented during Project operation. As such, compliance with Fire Code requirements would minimize the potential for incidents requiring an emergency response by

LAFD and therefore reduce the need for a new fire station, or the expansion, consolidation, or relocation of an existing fire station.

The factors that the LAFD considers in determining whether fire protection services for a project are adequate include whether the project: (1) is within the maximum response distance for the land uses proposed; (2) complies with emergency access requirements; (3) complies with fire-flow requirements; and (4) complies with fire hydrant placement. According to the LAFD (see correspondence contained in Appendix I-1 of the Initial Study), fire flow requirements vary from 2,000 gallons per minute in low-density residential areas to 12,000 gallons per minute in high-density commercial or industrial areas. A minimum residual water pressure of 20 pounds per square inch is to remain in the water system, with the required gallons per minute flowing. The required fire flow for the Project has been set at 12,000 gallons per minute.

With respect to response distance, based on a required fire flow of 12,000 gallons per minute, an Engine Company should be within 3/4-mile and a Truck Company should be within one mile. According to the LAFD (see correspondence in Appendix I-1 of the Initial Study), based on the response distance from existing fire stations to the Project Site, fire protection would be considered adequate.

Emergency vehicle access to the Project Site would continue to be provided from local and major roadways and would be maintained at all times during both Project construction and operation. All ingress/egress associated with the Project would be designed and constructed in conformance to all applicable City Department of Building and Safety and LAFD standards and requirements for design and construction.

Final fire-flow demands, fire hydrant placement, and other fire protection equipment would be determined for the Project during LAFD's plan check building permit process. Furthermore, significant impacts under CEQA consist of adverse changes in any of the physical conditions within the area of a project resulting from the construction or alteration of fire facilities, and the obligation to provide adequate fire protection is the responsibility of the City. The City meets this constitutional requirement by preparing for long-term growth and demographic changes. Based on this analysis, it is reasonable to conclude that Project operation would not require the addition of a new fire station or the expansion, consolidation, or relocation of an existing facility in order to maintain service; such services will be provided by a local jurisdiction, and would not inhibit LAFD emergency response. In conclusion, the Project would not result in substantial adverse physical impacts associated with the provision of, or need for, new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives related to fire protection. Therefore, impacts to fire protection during Project operation would be less than significant.

***b) The Project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, construction of which***



***could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for police protection.***

The Project Site is located within the densely developed Miracle Mile area, with similar residential and commercial uses as the Project, and a dedicated officer population. The Project would therefore not introduce population to an area not served by a police station or an area otherwise not currently served by existing police services, and therefore the Project would not require new facilities or staffing requiring dedicated facilities. The Project would also not introduce physical obstructions, inhibiting the Los Angeles Police Department (LAPD), nor would the uses contain novel activities that would require new police facilities to adequately ensure public safety. The Project would also comply with relevant laws, as well as industry standards in securing the property during both construction and operation. The Project would include security measures during operation, such as secured access, closed circuit video surveillance, security alarm systems, and ample lighting. The Project would not constitute a novel arrangement of uses or use type which would require the construction of altered or new specialized facilities.

Furthermore, the protection of the public safety is the responsibility of local government where local officials have an obligation to give priority to the provision of adequate public safety services. Based on this analysis, it is reasonable to conclude that Project operation would not require the addition of a new police station or the expansion, consolidation, or relocation of an existing facility in order to maintain service; such services will be provided by a local jurisdiction, and would not inhibit LAPD emergency response. Finally, according to the LAPD (see correspondence contained in Appendix I of the Initial Study, which is included as Appendix A-1 of this Draft EIR), “there are no special police protection requirements needed by law enforcement because of the specific attributes of this Project Site” and “the Mirabel Transit Priority Project, individually or combined with other past, present, or future projects, will not result in the need for new or altered police facilities.” In conclusion, the Project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios or other performance objectives for police protection and Project impacts with respect to police protection would be less than significant without mitigation. In addition, the Project would implement Mitigation Measures 4.12-2(a) and 4.12-2(b) from the City’s Housing and Safety Element EIR, which would further ensure that impacts with respect to police protection are less than significant.

***c) The Project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for schools.***

The Project would generate a total of approximately 154 students, including 79 elementary students, 21 middle school students, and 45 high school students, as well as an additional nine students based on the Project’s 37 employment positions. It is likely that some of the students generated by the Project would already reside in areas served by the Los Angeles Unified School

District (LAUSD) and would already be enrolled in LAUSD schools. However, the Project would be required to pay school facilities fees pursuant to SB 50, which would be used to construct, modernize, or reconstruct facilities. The payment of these mandatory developer fees would offset the Project's demands upon local schools. Thus, the Project's potential impact upon public school services would be less than significant.

***d) The Project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for parks.***

As discussed in the Initial Study, the Project would generate demand for approximately 3.2 acres of new neighborhood and community parkland. The Project would provide approximately 38,592 square feet of indoor and outdoor open space. The Project would provide approximately 9,388 square feet of its required open space in indoor recreation areas on the third, fourth, and fifth levels, which would include such amenities as shared workspace areas, library, fitness center, and spa. Outdoor common open space would be provided on the third and fourth levels. Level 3, on the rooftop of the 5401 Wilshire Boulevard building, would include approximately 7,513 square feet of open space. The Level 4 podium deck would provide approximately 21,691 square feet of open space including recreational amenities such as sitting areas and a pool & spa. Due to the amount, variety, and availability of the proposed open space and recreational amenities to be included within the Project Site, it is anticipated that Project residents would often utilize on-site open space to meet their recreational needs.

In addition, pursuant to LAMC Section 12.33 and Ordinance No. 184,505 (Parks Dedication and Fee Update ordinance), most residential projects that create new dwelling units or joint living and work quarters may be required to dedicate land, make park improvements, pay a park fee or provide a combination of land dedication and park fee payment. Park fees are calculated by LADRP, pursuant to LAMC Section 12.33, and would mitigate the impact the Project will have on public resources such as parks and recreational facilities. The Project would meet the applicable requirements of the LAMC regarding the provision of on-site open space and the payment of park fees. Therefore, the Project would not substantially increase the demand for off-site public parks and recreational facilities such that would require the provision of new or physically altered parks and recreation facilities, the construction of which could cause significant environmental impacts, and impacts would be less than significant.

***e) The Project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for other public facilities.***

The Project would not be anticipated to result in a substantial increase in demand for library services for which current demand exceeds the ability of the facility to adequately serve the population. The Project's residential units would be equipped to receive individual internet service,

which provides information and research capabilities which studies have shown to reduce demand at physical library locations. In addition, the Project would generate revenue for the City's general fund (in the form of property taxes, sales tax, business tax, transient occupancy tax, etc.) that could be used for the provision of public services such as library facilities. The Project's revenue to the General Fund would help offset the Project-related increase in demand for library services. Additionally, the Los Angeles Public Library (LAPL) has been increasing their online services, including a variety of e-books, study materials, and support, available to users through the LAPL online resources, which would further reduce the Project's impacts on LAPL services. Therefore, and pursuant to the library sizing standards recommended in the LAPL Branch Facilities Plan, operation of the Project would not result in the need for new or altered facilities, or substantially increase the demand for library services for which current and future demand would exceed the ability of the facility to adequately serve the population. The Project would also generate approximately 37 employees. Employees do not typically frequent libraries during work hours, but are more likely to use libraries near their homes during non-work hours. Further, it is likely that similar to Project residents, Project employees would also have individual access to internet service, which would reduce demand at physical library locations. Therefore, potential impacts to library service and facilities resulting from the Project would be less than significant.

#### **p) Recreation**

***a) The Project would not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated.***

As discussed in the Initial Study, the Project would generate demand for approximately 3.2 acres of new neighborhood and community parkland. The Project would provide approximately 38,592 square feet of indoor and outdoor open space. The Project would provide approximately 9,388 square feet of its required open space in indoor recreation areas on the third, fourth, and fifth levels, which would include such amenities as shared workspace areas, library, fitness center, and spa. Outdoor common open space would be provided on the third and fourth levels. Level 3, on the rooftop of the 5401 Wilshire Boulevard building, would include approximately 7,513 square feet of open space. The Level 4 podium deck would provide approximately 21,691 square feet of open space including recreational amenities such as sitting areas and a pool & spa. Due to the amount, variety, and availability of the proposed open space and recreational amenities to be included within the Project Site, it is anticipated that Project residents would often utilize on-site open space to meet their recreational needs.

In addition, pursuant to LAMC Section 12.33 and Ordinance No. 184,505 (Parks Dedication and Fee Update ordinance), most residential projects that create new dwelling units or joint living and work quarters may be required to dedicate land, make park improvements, pay a park fee or provide a combination of land dedication and park fee payment. Park fees are calculated by LADRP, pursuant to LAMC Section 12.33, and would mitigate the impact the Project will have on public resources such as parks and recreational facilities. The payment of this fee is deemed to

provide full and complete mitigation for impacts to parks and recreational facilities. Therefore, impacts to parks and recreational facilities would be less than significant.

***b) The Project does not include recreational facilities and would not require the construction or expansion of recreational facilities that would have an adverse physical effect on the environment.***

The Project does not propose public recreational facilities. Pursuant to LAMC Section 12.21 G, the Project is required to provide 37,550 square feet of open space, and would provide 38,529 square feet of open space, including both indoor and outdoor open space. As discussed above, the Project Applicant would pay park fees, which would mitigate the impact the Project will have on public resources such as parks and recreational facilities. In addition, the Project does not include the construction of recreational facilities outside of the Project Site boundaries, such as a park, and therefore, impacts to recreational facilities would be less than significant.

#### **q) Transportation**

***a) The Project would not conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities.***

As discussed in the Initial Study (included in Appendix A-1 of this Draft EIR), the Project is consistent with the access-related guidelines of the Mobility Plan 2035 and Vision Zero policies, with no vehicular access (driveways) proposed along Wilshire Boulevard (which is part of the City's High Injury Network). Additionally, the Project will maintain or increase (via a three-foot dedication on Cochran Avenue) the existing sidewalk widths adjacent to its frontages, retain the existing signalized crosswalks at the site-adjacent intersections along its Wilshire Boulevard frontage (at Cochran Avenue and Cloverdale Avenue), and locate all Project parking in an on-site parking garage accessed from the side streets (no on-street parking is proposed or affected by the Project), thereby providing safe and convenient pedestrian circulation. Further, the Project will conform to the LAMC's bicycle parking requirements, and is therefore consistent with the City's policies related to the reduction of both vehicle trips and VMT through the implementation of these measures. Therefore, the Project would conform to, or would not preclude the future implementation of, any of the applicable plans, programs, and policies related to the City's transportation network, and as a result, Project impacts would be less than significant.

***b) The Project would not conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b).***

As defined in LADOT's Transportation Assessment Guidelines (TAG), a significant project-related VMT impact is deemed to occur if a project generates a "household per capita VMT" (for residential components) or "per employee VMT" (for any commercial uses) exceeding a threshold of 15 percent below the average per capita or per employee VMT of the Area Planning Commission (APC) area in which the project is located, although the TAG also identifies that the commercial portions of a development project that are comprised of less than 50,000 square feet

of restaurant, retail, or other similar small-scale, local-serving, uses are assumed to have less than significant impacts. The Project is located within the Central APC, which exhibits a daily household VMT per capita impact significance threshold of 6.0, along with a daily work VMT per employee impact significance threshold of 7.6.

As recommended in the TAG, the VMT Calculator was used to determine if the Project would result in any significant VMT impacts. The resulting VMT Calculator worksheets (which show the trip and VMT values for the Project only) are provided in Appendix G-4 of the Initial Study (which is included as Appendix A-1 of this Draft EIR), and show that the Project is expected to result in a total daily VMT of 10,368. In addition, the per capita household VMT would be less than significant. Further, the TAG identifies that the commercial portions of a development project that are comprised of less than 50,000 square feet of restaurant, retail, or other similar small-scale uses are assumed to be local-serving and therefore would have less than significant impacts. The Project's proposed approximately 12,821 square foot commercial component would contain less than 50,000 square feet of small-scale, local-serving (retail, restaurant, cafe) uses, and as such, its effects on per employee work VMT are considered to be less than significant. Therefore, the Project's potential increases to per capita or per employee VMT levels would be less than significant.

In addition to the transportation analysis contained in the Initial Study and in Appendices G-1 through G-5 of the Initial Study, an updated transportation memo was prepared on December 20, 2023, to address "non-CEQA" traffic impacts from two additional related projects that were filed after completion of the original Project traffic analysis but before the close of the Project's NOP comment period. The updated transportation memo is included in Appendix D-1 of this Draft EIR and demonstrates that the conclusions from the original Project analyses (attached as Appendices G-1 through G-5 of the Initial Study) remain valid. LADOT reviewed the updated transportation memo and concurred with the conclusions (see LADOT's updated assessment letter, dated February 1, 2024, which is included in Appendix D-2 of this Draft EIR).

***c) The Project would substantially increase hazards due to a geometric design feature or incompatible uses.***

The Project Site currently includes a total of four driveways, with two driveways each along both Cochran Avenue and Cloverdale Avenue. The Project itself will provide a total of four site access driveways, including its primary commercial driveway on Cochran Avenue, primary residential driveway on Cloverdale Avenue, an entry-only driveway for the on-site passenger drop-off/pick-up area and loading facilities along Cochran Avenue immediately south of the commercial driveway, and an exit-only driveway for the passenger/loading area on Cloverdale Avenue, just south of the residential driveway. As a result, the total number of site driveways will remain unchanged. While a right-of-way dedication is required along the Project's Cochran Avenue frontage, no roadway widenings are required, and therefore, there are no changes to the current roadway conditions on Cochran Avenue. Additionally, since the existing roadway width on Cloverdale Avenue exceeds the Mobility Plan 2035 requirements, no new roadway widening would be required on Cloverdale Avenue. Finally, no new roadway widenings are required along

the Project's Wilshire Boulevard frontage. Therefore, the Project would not increase hazards due to a geometric design feature or incompatible uses, and impacts would be less than significant.

***d) The Project would not result in inadequate emergency access.***

Vehicular access to the Project Site would be maintained from Cloverdale Avenue and Cochran Avenue. The Project's driveways and internal circulation would be designed to meet all applicable City Building Code and Fire Code requirements regarding site access, including providing adequate emergency vehicle access both during construction as well as after completion of the Project. Compliance with applicable City Building Code and Fire Code requirements, including emergency vehicle access, would be confirmed as part of LAFD's fire/life safety plan review and LAFD's fire/life safety inspection for new construction projects, as set forth in Section 57.118 of the LAMC, and which are required prior to the issuance of a building permit. The Project also would not include the installation of barriers that could impede emergency vehicle access both during and post-construction. Therefore, the Project would not result in inadequate emergency access during construction or operation, and, as such, impacts to emergency access during construction and operation of the Project would be less than significant.

**r) Tribal Cultural Resources**

***a) The Project would not cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is: Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1 (k).***

The Project Site is located within the boundaries of the Miracle Mile Historic District, which was formally determined eligible for listing in the National Register of Historic Places in 1983 and is, therefore, listed in the California Register of Historical Resources. However, neither of the existing buildings (at 5401 and 5407 Wilshire Boulevard) were identified by SurveyLA as potentially eligible for individual designation on a historic register. The existing building at 5407 Wilshire Boulevard is a non-contributing building to the Miracle Mile Historic District, while the building at 5401 Wilshire Boulevard is a contributing building to the Historic District. Therefore, the existing buildings would not be considered tribal cultural resources as defined in Public Resources Code Section 21074, and a less than significant impact would occur.

***b) The Project would not cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is: A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in***

***subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.***

Notification letters pursuant to AB 52 were mailed on May 3, 2022, to all contacts on the City's AB 32 Native American Heritage Commission Tribal Consultation List, providing a 30-day period in which any of the tribal contacts could request consultation with the City concerning tribal cultural resources that may be impacted by the Project. In response, the Gabrieleno Band of Mission Indians – Kizh Nation requested consultation with the City. A consultation call between the City and representatives of the Kizh Nation took place on September 29, 2022, and consultation was formally closed by the City on August 28, 2023 (see closure letter included in Appendix K of the Initial Study, which is included as Appendix A-1 of this Draft EIR). Should tribal cultural resources be inadvertently encountered during Project construction, the Project would comply with Mitigation Measures 4.15-1(a) and 4.15-1(b) from the City's Housing and Safety Element EIR. With implementation of MM 4.15-1(a) and 4.15-1(b), impacts with respect to tribal cultural resources would be less than significant.

### **s) Utilities and Service Systems**

***a) The Project would not require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects.***

As shown in Table XIX-1 of the Initial Study (which is included as Appendix A-1 of this Draft EIR), the Project is expected to increase the total net water demand by 58,775 gallons per day (gpd). According to the Utility Infrastructure Technical Report (included in Appendix H of the Initial Study), LADWP's 2020 Urban Water Management Plan (UWMP) provides an analysis of water supplies and demands and anticipates a sustainable water supply for the City of Los Angeles for the next 25 years. The Project is consistent with the zoning and land use designation for the Project Site, which indicates general consistency with the assumptions used to prepare the UWMP. As such, the water demand associated with the Project is within the projections contained in the 2020 UWMP while anticipating normal, dry, and multiple dry year water conditions. In addition, the Service Advisory Report (SAR, included in the Utility Infrastructure Report, which is included as Appendix H to the Initial Study), which is inclusive of anticipated domestic water demands, shows that the existing infrastructure is sufficient to meet the water demand of the Project. Therefore, Project impacts related to the construction or relocation of new facilities associated with water infrastructure would be less than significant.

As shown in Table XIX-2 of the Initial Study, the Project would generate a net increase of 57,675 gallons per day (gpd) of wastewater. A Sewer Capacity Availability Request (SCAR) was submitted to LASAN to verify that the existing public infrastructure can accommodate the Project. In response, LASAN has analyzed the Project demands in conjunction with existing conditions and forecasted growth, and has approved the Project to discharge up to 892,701 gpd of

wastewater to the existing 8-inch sewer lines in Cloverdale and Cochran Avenues and the existing 18-inch sewer line in Wilshire Boulevard. Therefore, Project impacts on wastewater infrastructure would be less than significant. Looking downstream, the existing design capacity of the Hyperion Service Area is approximately 550 million gallons per day (consisting of 450 million gallons per day (mgd) at the Hyperion Treatment Plant, 80 mgd at the Donald C. Tillman Water Reclamation Plant, and 20 mgd at the Los Angeles–Glendale Water Reclamation Plant). The Project's proposed wastewater generation is approximately 0.06 mgd, which is approximately 0.01 percent of the Hyperion Treatment Plant's design capacity. Therefore, Project impacts on wastewater treatment capacity would also be less than significant.

***b) There would be sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years.***

As concluded in LADWP's 2020 UWMP, projected water demand for the City would be met by the available supplies during an average year, single dry year, and multiple dry years in each year from 2025 to 2045. As shown on Table XIX-1 of the Initial Study (included as Appendix A-1 of this Draft EIR), the Project would consume approximately 58,775 gallons of water per day (or 0.06 mgd). According to LADWP, if a project is consistent with the City's General Plan, the projected water demand associated with that project is considered to be accounted for in the most recently adopted UWMP, which is prepared by the LADWP to ensure that existing and projected water demand within its service area can be accommodated. The Project is consistent with the City's General Plan land use designation for the Project Site. In addition, the Project's estimated population growth would be within the population projections contained in SCAG's 2020-2045 RTP/SCS. Thus, the Project's demand for water could be accommodated by LADWP's existing and projected water supplies, including during normal, dry, and multiple dry years. As such, the Project would not require new or additional water supply or entitlements, and Project impacts related to water supply would be less than significant.

***c) The Project would result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments.***

The existing design capacity of the Hyperion Service Area is approximately 550 million gallons per day (consisting of 450 mgd at the Hyperion Treatment Plant, 80 mgd at the Donald C. Tillman Water Reclamation Plant, and 20 mgd at the Los Angeles–Glendale Water Reclamation Plant). The Project's proposed wastewater generation is approximately 0.06 mgd, which is approximately 0.01 percent of the Hyperion Treatment Plant's design capacity. Based on LASAN's average flow projections for the Hyperion Treatment Plan, it is anticipated that average flows in 2027, the Project's buildout year, would be approximately 269.3 mgd. Accordingly, the future remaining available capacity in 2027 would be approximately 180.7 mgd. The Project's increase in average daily wastewater flow of 0.06 mgd would represent approximately 0.033 percent of the estimated future remaining available capacity of 180.7 mgd of the Hyperion Treatment Plant. Therefore, wastewater generated by the Project would be accommodated by the future capacity of the



Hyperion Treatment Plant, and impacts related to wastewater treatment would be less than significant.

***d) The Project would not generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals.***

As shown in Table XIX-4 of the Initial Study (included in Appendix A-1 of this Draft EIR), the Project would result in approximately 4,375 tons of construction and demolition waste over the entirety of the construction period, not accounting for any mandatory recycling. Pursuant to the requirements of Senate Bill 1374, 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. Materials that could be recycled or salvaged include asphalt, glass, and concrete. Given the remaining permitted capacity of the landfills open to the City, the landfills serving the Project Site would have sufficient capacity to accommodate the Project's construction solid waste disposal needs.

During operation, as shown on Table XIX-5 of the Initial Study, the Project would generate approximately 1,263 pounds (0.63 tons) of solid waste per day. This total is conservative and does not account for the effectiveness of recycling efforts, which the Project would be required by the City to implement. With a remaining daily intake capacity of approximately 19,957 tons of solid waste per day, the four Class III landfills serving the City that accept residential and commercial solid waste could accommodate the Project's increase of approximately 0.63 tons of solid waste per day. Further, pursuant to AB 939, each city and county in the state must divert 50 percent of its solid waste from landfill disposal through source reduction, recycling, and composting. Therefore, Project impacts related to solid waste would be less than significant.

***e) The Project would comply with federal, state, and local management and reduction statutes and regulations related to solid waste.***

The Project would comply with the applicable regulations associated with solid waste, including AB 939, SB 1374, as well as the City's Curbside Recycling Program and the Construction and Demolition Waste Recycling Ordinance (Ordinance No. 181,519), which requires all mixed construction and demolition waste generated within City limits be taken to City certified construction and demolition waste processors. In addition, the Project would provide adequate storage areas in accordance with the City of Los Angeles Space Allocation Ordinance (Ordinance No. 171,687), which requires that development projects include an on-site recycling area or room of specified size. Since the Project would comply with federal, State, and local statutes and regulations related to solid waste, a less than significant impact would occur.

**t) Wildfire**

***a) The Project is not located in or near a state responsibility area or land classified as a very high fire hazard severity zone, and would not substantially impair an adopted emergency response plan or emergency evacuation plan.***

***b) The Project is not located in or near a state responsibility area or land classified as a very high fire hazard severity zone, and would not exacerbate wildfire risks due to slope, prevailing winds, and other factors.***

***c) The Project is not located in or near a state responsibility area or land classified as a very high fire hazard severity zone, and would not require the installation or maintenance of associated infrastructure that may exacerbate fire risk.***

***d) The Project is not located in or near a state responsibility area or land classified as a very high fire hazard severity zone, and would not expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes.***

The Project Site is not located in or near a state responsibility area, within a City- designated Very High Fire Hazard Severity Zone, or within a City-designated buffer zone. Therefore, no impact regarding these topics would occur.