

# I. EXECUTIVE SUMMARY

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In accordance with the California Environmental Quality Act (CEQA) Guidelines Section 15123, this section of this Draft Environmental Impact Report (EIR) contains a summary of the Mirabel Transit Priority Project (Project) and its potential environmental effects. More detailed information regarding the Project and its potential environmental effects is provided in the following sections of this Draft EIR. Also included in this section of this Draft EIR is an overview of the purpose and focus of this Draft EIR, a description of the organization of this Draft EIR, an overview of the Project, a general description of areas of controversy, a description of the public review process for this Draft EIR, and a summary of the alternatives to the Project evaluated in this Draft EIR.

This section also includes information from the following documents, which are included as Appendices A-1, A-2, and A-3 of this Draft EIR:

- A-1** Initial Study, CAJA Environmental Services, August 2023.
- A-2** Notice of Preparation of an Environmental Impact Report, City of Los Angeles, August 31, 2023.
- A-3** Comments Received in Response to Notice of Preparation of an Environmental Impact Report.

## 1. Purpose of this Draft EIR

The purpose of this Draft EIR is to inform decision makers and the general public of the potential environmental impacts resulting from the Project and to indicate the manner in which those significant effects can be mitigated or avoided, either through mitigation measures or alternatives to the project. A detailed description of the Project is provided in Section II, Project Description, of this Draft EIR. A description of the environmental setting is provided in Section III, Environmental Setting, of this Draft EIR.

The Project would require approval of certain discretionary actions by the City and potentially by other governmental agencies. Therefore, the Project is subject to environmental review requirements under CEQA.<sup>1</sup> For purposes of complying with CEQA, the City of Los Angeles is identified as the Lead Agency for the Project.

As described in Section 15121(a) and 15362 of the Guidelines for California Environmental Quality Act (CEQA Guidelines),<sup>2</sup> an environmental impact report is an informational document

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<sup>1</sup> Public Resources Code Sections 21000-21178.

<sup>2</sup> California Code of Regulations Title 14, Chapter 3, Sections 15000-15387.

which will inform public agency decision-makers and the public of the potentially significant environmental effects of a project, identify possible ways to mitigate any significant environmental effects, and identify and evaluate a reasonable range of alternatives to the project that have the potential to reduce or avoid the project's potential significant environmental effects, while feasibly accomplishing most of the project's basic objectives. When applicable, the Draft EIR recommends feasible mitigation measures that can reduce or avoid significant environmental impacts. This Draft EIR was prepared in accordance with Section 15151 of the State CEQA Guidelines, which defines the standards for adequacy of an environmental impact report:

*An EIR should be prepared with a sufficient degree of analysis to provide decision makers with information which enables them to make a decision which intelligently takes account of environmental consequences. An evaluation of the environmental effects of a Project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in the light of what is reasonably feasible. Disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among the experts. The courts have looked not for perfection but for adequacy, completeness, and a good faith effort at full disclosure.*

## **2. SB 375 Streamlining Provisions**

The State of California adopted SB 375, also known as “The Sustainable Communities and Climate Protection Act of 2008,” which outlines growth strategies that better integrate regional land use and transportation planning and that help meet the State of California’s greenhouse gas (GHG) emissions reduction mandates. SB 375 requires the State’s 18 metropolitan planning organizations to incorporate a “sustainable communities strategy” (SCS) into the regional transportation plans (RTPs) to achieve their respective region’s GHG emission reduction targets set by the California Air Resources Board (CARB). Correspondingly, SB 375 provides various CEQA streamlining tools for projects that are consistent with an adopted applicable SCS and meet certain standards. One such CEQA streamlining tool is the Sustainable Communities Environmental Impact Report (SCEIR).

The Southern California Association of Governments (SCAG) is the metropolitan planning organization for the County of Los Angeles and the Counties of Imperial, San Bernardino, Riverside, Orange, and Ventura. In this capacity, SCAG bears the responsibility under SB 375 to implement and administer RTPs and sustainable communities strategies (SCSs) for purposes of achieving the goals for reducing greenhouse gases as envisioned by AB 32. The applicable sustainable communities strategy relevant to the region including the Project Site is SCAG’s 2020-2045 RTP/SCS, which is a long-range visioning plan for the six-county SCAG region that highlights the existing land use and transportation conditions throughout the SCAG region and forecasts how it will meet the region’s transportation needs between 2020 and 2045, as well as achieve CARB’s GHG emissions reduction targets. Specifically, the 2020-2045 RTP/SCS identifies and prioritizes expenditures of anticipated funding for transportation projects of all transportation modes: highways, streets and roads, transit, rail, bicycle and pedestrian, as well

as aviation ground access. It also includes a set of visions, goals, objectives, policies and performance measures developed through public and stakeholder outreach sessions across SCAG's region. On May 7, 2020, SCAG's Regional Council certified the Program EIR prepared for the 2020-2045 RTP/SCS, and on September 3, 2020, SCAG's Regional Council formally adopted the 2020-2045 RTP/SCS. On October 30, 2020, CARB officially determined that the 2020-2045 RTP/SCS would achieve CARB's 2035 GHG emissions reduction target.

SB 375 provides CEQA streamlining benefits to qualifying transit priority projects (TPPs). For purposes of projects in the SCAG region, a qualifying TPP is a project that meets the following four criteria (see Public Resources Code Sections 21155 (a) and (b)):

1. Is consistent with the general use designation, density, building intensity, and applicable policies specified for the project area in the SCAG 2020-2045 RTP/SCS;
2. Contains at least 50 percent residential use, based on total building square footage and, if the project contains between 26 percent and 50 percent nonresidential uses, a floor area ratio of not less than 0.75;
3. Provides a minimum net density of at least 20 units per acre; and
4. Is within one-half mile of a major transit stop or high-quality transit corridor included in a regional transportation plan.

Pursuant to Public Resources Code Section 21155.2(a), qualifying TPPs that have incorporated all feasible mitigation measures and performance standards, or criteria set forth in the prior applicable EIR (e.g., SCAG's 2020-2045 RTP/SCS Program EIR) are eligible to prepare a Limited analysis EIR (or SCEIR)<sup>3</sup> that complies with the following (Public Resources Code Section 21155.2(c)):

- (1) An initial study shall be prepared to identify all significant or potentially significant effects of the transit priority project other than those that do not need to be reviewed pursuant to Section 21159.28 based on substantial evidence in light of the whole record. The initial study shall identify any cumulative effects that have been adequately addressed and mitigated pursuant to the requirements of this division in prior applicable certified environmental impact reports. Where the lead agency determines that a cumulative impact effect has been adequately addressed and mitigated, that cumulative effect shall not be treated as cumulatively considerable for purposes of this subdivision.
- (2) An environmental impact report prepared pursuant to this subdivision need only address the significant or potentially significant effects of the transit priority project on the environment identified pursuant to paragraph (1). It is not required to analyze off-site

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<sup>3</sup> Note that the terms "Limited EIR" and "SCEIR" are interchangeable.

alternatives to the transit priority project. It shall otherwise comply with the requirements of this division.

Pursuant to Public Resources Code Section 21159.28, the following topics would not need to be analyzed in the SCEIR:

- a. Growth-inducing impacts;
- b. Project-specific or cumulative impacts from cars and light trucks on global warming or the regional transportation network;<sup>4</sup> and
- c. A reduced residential density alternative to address the effects of car and light-duty truck trips generated by the Project.

### 3. Organization of this Draft EIR

The Draft EIR is organized into eight sections (plus the Appendices) as follows:

**Section I. Executive Summary:** This section provides an introduction to the environmental review process and a summary of the Project description, alternatives, environmental impact analysis contained in the Draft EIR, and mitigation measures.

**Section II. Project Description:** This section provides a description of the Project including location, Project characteristics, Project objectives, and required discretionary actions.

**Section III. Environmental Setting:** This section provides an overview of the environmental setting of the Project, including a description of existing and surrounding land uses, and a list of related projects.

**Section IV. Environmental Impact Analysis:** This section examines the potential environmental impacts of the Project. Separate discussions are included which address the potential environmental effects of the Project by environmental topic. Each environmental topical analysis contains a discussion of existing conditions, an assessment and discussion of the potential significance of impacts associated

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<sup>4</sup> “Regional transportation network” means all existing and proposed transportation system improvements, including the state transportation system, that were included in the transportation and air quality conformity modeling, including congestion modeling, for the final regional transportation plan adopted by the metropolitan planning organization, but shall not include local streets and roads. Nothing in the foregoing relieves any project from a requirement to comply with any conditions, exactions, or fees for the mitigation of the project's impacts on the structure, safety, or operations of the regional transportation network or local streets and roads.

with the Project, mitigation measures, cumulative impacts, and the level of significance of the impact after mitigation.

**Section V. Alternatives to the Project:** This section includes an analysis of a range of reasonable alternatives to the Project. The alternatives selected are based on their potential ability to feasibly attain most of the basic objectives of the Project, and their ability to avoid or substantially lessen any of the significant effects of the Project.

**Section VI. Other CEQA Considerations:** This section provides a summary of the significant and unavoidable impacts of the Project, an explanation of significant irreversible environmental changes, discussion of potential growth inducing effects that would be caused by the Project, and effects found not to be significant.

**Section VII. Acronyms and Abbreviations:** This section provides definitions for all of the acronyms and terms used in this Draft EIR.

**Section VIII. Preparers of the Draft EIR:** This section presents a list of City staff and consultant team members that contributed to the preparation of the Draft EIR.

**Appendices:** The Appendices contain all technical reports prepared for the Project as well as all correspondence with various agencies regarding the Project.

## 4. EIR Process

### a) Notice of Preparation

In compliance with Section 15082 of the CEQA Guidelines, on August 31, 2023, a Notice of Preparation (NOP) was prepared by the Department of City Planning and distributed to the State Clearinghouse, Office of Planning and Research, agencies, and other interested parties. The 30-day response period (i.e., the comment period) for the NOP of the Draft EIR extended until October 2, 2023. Appendix A-2 of this Draft EIR contains a copy of the NOP. Appendix A-3 of this Draft EIR contains the written comments to the NOP received by the City. The following provides a list of agencies and individuals who provided written comments during the NOP comment period:

#### Agencies and Groups

1. California Department of Transportation
2. South Coast Air Quality Management District
3. Los Angeles County Metropolitan Transportation Authority
4. Los Angeles Conservancy
5. Art Deco Society of Los Angeles

## Individuals

1. Adrienne Argenbright
2. Dave Grant
3. Ben Harding
4. Hana Kawano
5. Terence Mylonas
6. James O’Sullivan

## Areas of Controversy

Comments raised in letters submitted to the Department of City Planning in response to the NOP include (but are not limited to) the following:

- Historic resources
- Traffic and congestion
- Parking deficiency
- Noise
- Air quality
- Greenhouse gas emissions
- Emergency response
- Energy
- Glare
- Cumulative impacts

## Environmental Issues to be Analyzed in the Draft EIR

In conjunction with the NOP, an Initial Study was prepared for the Project and is included in Appendix A-1 of this Draft EIR. The purpose of the Initial Study, as set forth in Section 15063(c)(3) of the CEQA Guidelines, is to assist the preparation of an EIR, by:

1. Focusing the EIR on the effects determined to be significant;
2. Identifying the effects determined not to be significant;
3. Explaining the reasons for determining that potentially significant effects would not be significant; and
4. Identifying whether a program EIR, tiering, or another appropriate process can be used for analysis of the project’s environmental effects.

Based on the Initial Study, the City determined that the appropriate process for analyzing the Project’s environmental effects is the preparation of a “Project EIR,” the most common type of

EIR prepared for specific development projects. This Draft EIR constitutes a “Project EIR” under Section 15161 of the CEQA Guidelines.

Based on a review of environmental issues by the City, the Initial Study, and the responses to the NOP, this Draft EIR analyzes the following environmental issues:

- Cultural Resources (Historic Resources)
- Noise

### **b) Environmental Review Process**

The Draft EIR will be circulated for review and comment by the public and other interested parties, agencies, and organizations for a period of 45 days. After completion of the 45-day review period, a Final EIR will be prepared that includes written responses to comments on the Draft EIR submitted during the review period and modifies the Draft EIR, if required. Public hearings on the Project will be held after completion of the Final EIR. The City will make the Final EIR available to agencies and the public prior to considering certification of the Final EIR. Notice of the time and location will be published prior to the public hearing date. All comments or questions about the Draft EIR should be addressed to:

Jason McCrea  
City of Los Angeles, Department of City Planning  
221 N. Figueroa St., Suite 1350, Los Angeles, CA 90012  
Email: Jason.McCrea@lacity.org

Case Number: ENV-2019-3937-EIR

## **5. Summary of the Project**

The Project involves the construction of a 42-story mixed-use tower, comprised of 348 dwelling units, including 29 units set aside for Very Low-Income households, and 12,821 square feet of ground floor commercial uses. The Project would demolish 38,545 square feet of existing commercial buildings on-site, including the historic building located at 5401 Wilshire Boulevard, which is a designated contributor to the Miracle Mile Historic District. However, the east and south façades of the existing historic commercial building would be preserved in place, rehabilitated, and incorporated into the Project. Parking would be provided in three above-ground and three subterranean levels. The Project would include a total floor area of 476,777 square feet on a 57,374 square foot lot (1.32 acres) for a FAR of 8.31:1.

## 6. Alternatives

In order to provide informed decision-making in accordance with Section 15126.6 of the CEQA Guidelines, this Draft EIR considers a range of alternatives to the Project. Section V. Alternatives to the Project, provides the analysis of each alternative. The Draft EIR analyzes the following alternatives to the Project:

Alternative 1: No Project Alternative

Alternative 2: Preservation Alternative (Zoning Compliant Project and Reduced Project)

## 7. Summary Table of Environmental Impacts

**Table I-1  
Summary of Environmental Impacts as Analyzed in the Draft EIR**

<b>Draft EIR Section</b>	<b>Environmental Issues Analyzed in the Draft EIR</b>	<b>Project Impacts</b>
<b>IV.A</b>	<b>Cultural Resources</b>	
	Historical Resources	S/U
<b>IV.B</b>	<b>Noise</b>	
	Substantial Temporary or Permanent Increase in Noise	LTS w/M
	Excessive Groundborne Vibration	S/U
LTS = less than significant impact LTS w/M = less than significant impact with mitigation incorporated S/U = significant unavoidable impact		

## 8. Mitigation Measures

The following mitigation measures are applicable to the Project:

**MM-CULT-1** Prior to any demolition or removal of historic fabric, the Sontag Drug Building shall be documented in accordance with Historic American Building Survey (HABS) guidelines and standards by a qualified historic preservation professional. Documentation shall include photographs of the existing conditions, any historic plans, photos, or drawings and narrative information regarding the historic significance and development history of the site.

**MM-CULT-2** Planning and implementation of the retention and preservation of the south- and east-facing façades of the Sontag Drug Building and their incorporation into a new one-story building at the same location, shall include a Preservation Plan consisting of procedures and methodologies for shoring, materials and character-defining future protection strategies, contingencies if materials or character-defining features are damaged, as well as construction plans and shoring plans.



The Preservation Plan shall be developed by a qualified structural engineer experienced in the preservation of historic buildings in consultation with a preservation architect or other qualified professional who meets the Secretary of the Interior's Professional Qualifications Standards to ensure minimal loss of original materials and character-defining features during and after the preservation of the Sontag Drug Building south and east façades and their incorporation in a new one-story building. The Preservation Plan shall be submitted to OHR and Planning prior to demolition permits being issued.

**MM-CULT-3** The Project shall include an interpretive program located on the Project Site which addresses the commercial history of the site and its component buildings. The interpretive program may include permanent physical displays of photographs and explanatory text that informs the public about the history and original configuration of the buildings as well as the alterations to the Sontag Drug Building.

**MM-NOI-1** The Project shall use quieter construction noise equipment and install temporary noise barriers along the north, west, and east perimeters of the Project Site to achieve a 8.3 dBA  $L_{eq}$  reduction at residences on Cochran Avenue and a 15.2 dBA  $L_{eq}$  reduction at residences on Cloverdale Avenue. The supporting structures shall be engineered and erected in order to comply with Los Angeles Municipal Code noise requirements, including those set forth in Chapter XI, Article 2 of the Los Angeles Municipal Code.

**MM-NOI-2** Consistent with Mitigation Measure MM-CUL-2 requiring a Preservation Plan, prior to any construction activities involving vibration, the Applicant shall retain the services of a qualified structural engineer or qualified professional building engineer to document the apparent physical condition of the façades' readily visible features (i.e., any cracks or damage). In addition, the structural engineer shall survey the existing foundations and other structural aspects and provide a shoring design to protect the façades from potential damage. Pot holing, ground penetrating radar, or other similar methods of determining the below-grade conditions of the Project Site and the façades may be necessary to establish baseline conditions to prepare the shoring design. The shoring design shall specify threshold limits for vibration-causing activities.

The qualified structural engineer shall hold a valid license to practice structural engineering in the State of California and have extensive demonstrated experience specific to rehabilitating historic buildings. The City of Los Angeles shall determine qualification prior to any work being performed. The qualified structural engineer shall submit to the lead agency a pre-construction survey that establishes baseline conditions to be monitored during construction, prior to issuance of any permits.

Prior to construction activities, the Applicant shall retain the services of a qualified acoustical engineer to review proposed construction equipment and develop and implement a vibration monitoring program capable of documenting the construction-related ground vibration levels at the Project Site and façades during demolition and the grading/excavation phase.

The vibration monitoring system shall continuously measure and store the peak particle velocity (PPV) in in/sec. The system shall also be programmed for two preset velocity levels: a warning level of 0.20 PPV and a regulatory level of 0.25 PPV. The system shall also provide real-time alerts when the vibration levels exceed the warning level.

In the event the warning level (0.20 PPV) is triggered, the contractor shall identify the source of vibration generation, halt construction in the immediate vicinity, and provide technologically-feasible steps to reduce the vibration level, including but not limited to staggering concurrent activities, utilizing lower vibratory techniques, and limiting high vibration generating equipment (i.e., large bulldozer, drill rig, loaded truck) operating within 20 feet of the façades.

In the event the regulatory level (0.25 PPV) is triggered, the contractor shall halt construction activities in the vicinity of the building and visually inspect the façades for any damage (by a qualified structural engineer). Results of the inspection must be logged. The contractor shall identify the source of vibration generation and provide technologically feasible steps to reduce the vibration level. Construction activities may then restart.

At the conclusion of vibration-causing construction, the qualified structural engineer shall issues a follow-up letter describing damage, if any, to the south and east façades and recommendations for repair, if necessary.