CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS
853-857 NORTH HYPERION AVENUE

MITIGATED NEGATIVE DECLARATION
ENV-2013-2877-REC1
VTT-72500-SL-1A
COUNCIL FILE NO. ___

APPEALS OF AREA PLANNING COMMISSION'S ADOPTION OF VTT 72500-SL-1A AND RECONSIDERATION OF ENV-2013-2877-REC1 ARE DENIED.

Pursuant to Public Resources Code section 21151 of the California Environmental Quality Act, Public Resources Code Section 21000 et seq. ("CEQA"), the Hyperion Avenue Neighborhood Association ("Appellant") filed an appeal (the "Appeal") of the determinations of the East Los Angeles Area Planning Commission ("APC") and the Deputy Advisory Agency to adopt the above-referenced Mitigated Negative Declaration ("MND") for the above-referenced project (the "Project") and approval of the Vesting Tentative Tract Map ("VTTM"). The City Council, therefore, has thoroughly reviewed the Appeal and all of the information submitted by the Appellant, as well as the entire administrative record of the above-referenced MND and VTTM and Project and all information submitted by the public and the Applicant.

For the reasons set forth herein, as well as elsewhere in the administrative record, the City Council finds that the Appeal is without merit and should be denied. The Appellant has presented no substantial evidence supporting a fair argument that the Project may have a significant impact on the environment. Appellant's assertions amount to argument, speculation, and unsubstantiated opinion, incorrect facts, or unreasonable inferences made from correct facts. By contrast, the APC, Deputy Advisory Agency, and City Planning Department staff thoroughly analyzed the potential impacts of the Project, and correctly determined that the MND complies with CEQA and that all potential environmental impacts of the Project are either less-than-significant or have been mitigated to less-than-significant levels. Substantial evidence supports these conclusions.

ADOPTION OF MND

The Department of City Planning, acting as Lead Agency, determined that reconsideration of a previously approved MND, in accordance with CEQA and the State CEQA Guidelines, would be the appropriate approach under CEQA for the Project.

The Department of City Planning issued MND No. ENV-2013-2877-MND on June 25, 2014. On October 16, 2014, the Department of City Planning issued a reconsideration of the previously issued MND (ENV-2013-2877-MND-REC1. In connection with approving the VTTM pursuant to the Small Lot Subdivision Ordinance (VTT-72500-SL-1A) submitted by Jason Amoroso ("Applicant"), the Deputy Advisory Agency adopted the reconsideration of the MND. The Deputy Advisory Agency's decision was appealed to the APC. The APC upheld the Deputy Advisory Agency's approval of the VTTM and readopted the MND. The Appellant has appealed both the approval of the VTTM and the CEQA determination to the City Council. Having rejected the Appeal, the City Council upholds the determinations of the APC and Deputy Advisory Agency and readopts the MND.

PROJECT CHARACTERISTICS

The subject property is a relatively level, rectangular-shaped, interior parcel of land consisting of two lots having a combined frontage of 100 feet on the west side of Hyperion Avenue and a uniform depth of 150 feet. The proposed Project is to create eight lots for the construction of eight single-family dwelling units under the Small Lot Subdivision Ordinance. Lot sizes will range from 1,499 square feet to 2,425 square feet; thereby meeting the minimum lot size requirement of 600 square feet according to the Small Lot Subdivision Ordinance. Lot coverage will range from 37 to 59 percent and will be less than the permitted lot coverage of 80 percent. The proposed Project will maintain a 15-foot front yard setback along Hyperion Avenue and five foot setback from adjoining properties consistent with the R3 zoning requirements.

The proposed Project is superior in design and more appropriate in scale and density with the surrounding neighborhood as compared to what would be permitted by-right under the current zoning of the site. A by-right development could include up to 18 dwelling units in a 45-foot tall, 4-story multi-family building (not including an allowable density bonus). The Applicant elected to propose a Project that is eight dwelling units, which are three stories and up to 35 feet in height. Moreover, the Project complies with all of the Small Lot Subdivision Ordinance guidelines to ensure quality design, compatibility with surrounding uses, and reduced environmental impacts.

Subdivision of the site into eight individual lots requires approval of a tentative tract map and triggers compliance with CEQA. As described in detail below, the Project is fully consistent with the General Plan and the Zoning Code and would not create any environmental impacts or burden local infrastructure. Accordingly, the VTTM was properly approved by the Advisory Agency and the APC on appeal consistent with the State Subdivision Map Act and the Los Angeles Municipal Code ("LAMC"). Appellant has also failed to submit evidence to substantively challenge the conclusions in the Project's Mitigated Negative Declaration ("MND"). Thus, for the reasons set forth in detail below, the City Council does hereby deny the appeal, approve the VTTM, and readopt the MND for the Project.

CEQA COMPLIANCE, REVIEW, APPROVAL, AND APPEAL PROCESS

The Applicant filed applications for a VTTM for a small lot subdivision, Zoning Administrator Adjustments, and an Environmental Assessment Form with the City Planning Department for a five-lot subdivision at 853 Hyperion Boulevard.[1] The Planning Department prepared draft MND ENV-2013-2877-MND. This original MND Initial Study Checklist and Proposed MND were publicly circulated on or about June 25, 2014.

The Applicant subsequently revised the Project design to add property to the lot assemblage (853-857 Hyperion Boulevard) in order to accommodate eight small lot units. On September 11, 2014, the Applicant requested, and subsequently received approval on October 16, 2014, of a Reconsideration of the issued MND (ENV-2013-2877-MND-REC1). The supporting land use and trip information were revised to reflect the revised Project design and incorporate additional mitigation. As it was determined that the previously issued MND addressed the potential impacts of the proposed Project, and as the

[1] The Zoning Administrator Adjustments were required because the applications were submitted prior to the adoption of the "Small Lot Procedural Fix Ordinance" (e.g., Ordinance No.183165). With adoption of this ordinance, the need for the Adjustments was eliminated as the Project complies with the general guidelines for small lot subdivisions.

site's zoning permits a more intensive use, the mitigation measures imposed still serve to mitigate the impacts of the Project to less than significant levels as required by CEQA.[2]

The MND analyzed the following potentially affected environmental impact areas:

- Aesthetics
- Air Quality
- Biological Resources
- Geology and Soils
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Noise
- Public Services
- Transportation/Traffic
- Utilities & Services

The MND consists of the Project Environmental Assessment Form, the Initial Study, and the MND, as well as the technical analyses. The administrative record consists of the MND and all testimony, information, and evidence submitted by the Applicant or the public, or generated by the City relevant to the analysis and conclusions of the MND and decision-makers.[3]

PROPOSED FINDINGS

The City of Los Angeles has determined that with the implementation of mitigation measures identified in the Mitigated Negative Declaration and subsequent reconsideration (collectively, the "MND"), the proposed Project will not have a significant effect on the environment. The requirements of CEQA have been met by the preparation and reconsideration of the MND and the Project will not require the preparation of an Environmental Impact Report. This decision is supported by the following findings:

1) Although the Project has the potential to result in significant impacts on the environment, change or alterations to the Project, mitigation measures, Project design features and compliance with applicable laws will reduce all such potential impacts to less than significant;

2) There is no substantial evidence in the record to support a fair argument that the Project may result in a significant impact on the environment;

3) Substantial evidence in the record, including expert studies and testimony, support all of the conclusions in the MND; and

4) The MND is the appropriate level of CEQA review for the Project, and no other CEQA documentation or analysis is necessary.

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[2] The MND dated June 25, 2014 and adopted by the Deputy Advisory Agency, readopted by the APC, and readopted by the City Council herein includes mitigation measures and construction mitigation measures which have been included in the APC Determination Letter as Conditions of Approval Nos. 17 and 18, respectively.

[3] Although Land Use was determined to have Less Than Significant Impacts or No Impact because the Project conforms to all requirements of the Small Lot Subdivision Ordinance, general LAMC standards and is smaller, less dense, includes less footage than allowed by the R3-1VL zone, and is consistent with the General Plan, the Applicant provided an analysis of consistency with the Small Lot Design Guidelines.

The Project Will Not Result in Any Significant Impacts on the Environment

Aesthetics
Scenic Vistas, Resources, Outcroppings

Scenic vistas in the vicinity of the Project site are limited due to the Project site's location in a large urbanized area. Due to the topography of the area and intervening development, there are no tall topographic features on the Project site from which scenic vistas may be viewed. The base of the Hollywood Hills is approximately two miles north of the Project site; however, views of the hills are not available due to landscaping, topography, and intervening development. No other views of scenic resources are available from the site due to the dense development in the surrounding area. Therefore, because the proposed Project would not obstruct views of the Hollywood Hills or any other scenic resources, impacts would be less than significant.

Furthermore, the proposed Project would be developed to a maximum of 35 feet from natural grade and, thus, would be similar in height to the multi-family residential buildings located north of the Project site along Hyperion Avenue.

A significant impact would occur only if a scenic resource would be damaged or removed by the Project within a scenic highway. There are no identified scenic resources such as rock outcroppings or historic buildings located on-site. The Project site is currently improved with two single-family homes and, therefore, does not contain any historic buildings. As no State-designated scenic highways are located adjacent to or within view of the Project site; there would be no impact with respect to scenic resources within a State scenic highway.

Visual Quality

The Project site and surrounding area are situated in the highly urbanized Silver Lake-Echo Park-Elysian Valley Community Plan Area (CPA) of the City. The Project area mainly consists of one-story to three-story residential buildings of various architectural styles and dates of origin. The Applicant has implemented a number changes to improve design and make the Project more compatible with surrounding development. The proposed Project would alter the visual character of the Project site as it would replace the two single family homes with a well-designed small lot subdivision development, but the change to the visual quality of the surrounding area could be potentially significant unless mitigation is incorporated. As such, the following mitigation measure was included in the MND:

> Condition No. 17: MM-1. All open areas not used for buildings, driveways, parking areas, recreational facilities, or walks shall be attractively landscaped and maintained in accordance with a landscape plan and an automatic irrigation plan, prepared a by Landscape Practioner (Sec. 12.40-D) and to the satisfaction of the decision-maker.

Incorporation of the above mitigation measure will ensure that impacts are eliminated and that Project impacts related to visual quality will be less than significant.

Height

With respect to building height, existing development in the immediate Project vicinity varies from one story to three stories in height. Because of the topography in the Project area, even the one and two story single family homes often appear to be three stories. Within a couple blocks of the Project site, there are buildings that are up to five stories in height. Therefore, the proposed 35-foot tall Project would introduce a structure into an area characterized by similar development.

Considering the existing variety of building heights in the Project area, the height of the proposed Project would not introduce an incompatible element to the existing visual character of the Project vicinity. Further, the proposed Project would be consistent with the LAMC with respect to height because it would only be 35 feet in height whereas 45 feet is permitted. Therefore, the height of the proposed Project would have a less than significant impact with respect to visual character.

Massing

With respect to massing, the existing land uses in the immediate Project vicinity mainly consist of one- to three-story residential buildings. Currently, the Project site is improved with two single family homes. The proposed Project would represent an increase in density on the Project site and, thus, increase the general mass of development. As noted above, the area is characterized by a variety of single- and multi-family uses and as such the increase in massing would not represent a significant aesthetic impact within the context of the surrounding area.

The proposed Project would provide setbacks in accordance with the design guidelines of the Small Lot Subdivision. Specifically, a front yard setback of 15 feet would be provided along Hyperion Avenue, and a setback of five feet would be provided between the Project site and the adjoining properties. Lot coverage ranges from 37 to 59 percent of each lot while the remaining lot area would be open space, landscaping, driveways, walkways, etc. as required by Condition No. 17: MM-1. Thus, the massing of the proposed Project would not introduce an incompatible visual element to the Project vicinity, and the impact would be less than significant.

Shade/Shadow

The *L.A. CEQA Thresholds Guide* does not require a shade shadow analysis for an infill project lower than 60 feet in height. As the Project is only 35-feet in height, it falls well below the 60-foot screening threshold, and therefore, no further analysis was required.

Light and Glare

The Project site is located in a well-lit urban area of the City where there are moderate to high levels of ambient nighttime lighting, including street lighting, architectural and security lighting, and indoor building illumination (light emanating from the interior of structures which passes through windows), all of which are common to densely populated areas like the Project area. With respect to the adjacent residential neighborhood, lower levels of nighttime lighting occur with the primary sources of illumination at night from the streetlights. Minimal light would be generated from exterior security lighting and interior lighting associated with the new residences.

Night lighting for the proposed Project would be provided in order to illuminate walkways, building entrances, parking areas, and driveways, largely to provide adequate night visibility for residents and to

provide a measure of security. Impacts related to nighttime lighting impacts would therefore be less than significant.

Glare in the Project area is generated by reflective materials on the surrounding residential buildings and glare from vehicles either traveling on or parked along surrounding streets. The existing Project site does not contain expansive areas of highly reflective glass that generate substantial glare. The proposed building would be composed of both solid and glass surfaces. Project parking would be provided in an enclosed two-car garage for each dwelling unit, reducing potential glare impacts related to vehicles. Potential glare impacts would be less than significant.

Air Quality

Conflict with an Applicable Air Quality Plan

AQMP Consistency

In the case of projects proposed within the City of Los Angeles or elsewhere in the South Coast Air Basin (Basin), the applicable plan is the Air Quality Management Plan (AQMP), which is prepared by the South Coast Air Management District (SCAQMD). A significant impact may occur if a project is not consistent with SCAQMD's AQMP or would in some way represent a substantial hindrance to employing the policies or obtaining the goals of that plan.

The Project site is located in a highly urbanized area of the City of Los Angeles, which provides several modes of public transit service, including light rail and bus lines. Projects that are consistent with the projections of employment and population forecasts identified in the Growth Management Chapter of SCAG's Regional Comprehensive Plan and Guide (RCPG) are considered to be consistent with the AQMP growth projections, since the Growth Management Chapter forms the basis of the land use and transportation control portions of the AQMP. Since SCAG's regional growth forecasts are based upon, among other things, land uses specified in the City's General Plan, a project that is consistent with the land use designation in the General Plan would also be consistent with the SCAG's regional forecast projections. Subsequently, a project that is consistent with SCAG's regional forecast projections would then also be consistent with the AQMP growth projections. The proposed Project would be consistent with the Medium Residential land use designation for the Project site in the Silver Lake-Echo Park-Elysian Valley Community Plan, which is part of the City of Los Angeles General Plan Land Use Element. Thus, development of the proposed Project would be consistent with the land use designated in the City's General Plan, and as such, both the population and housing introduced by the proposed Project are within the Community Plan forecasts. Therefore, impacts related to consistency with the AQMP would be less than significant.

Violate Air Quality Standards or Contribute Substantially to an Existing Violation

Construction

Construction emissions require that appropriate dust control measures would be implemented as part of the proposed Project during each phase of development, as required by SCAQMD Rule 403—Fugitive Dust. Specific Rule 403 control requirements include, but are not limited to, applying water in sufficient quantities to prevent the generation of visible dust plumes, applying soil binders to uncovered areas, reestablishing ground cover as quickly as possible, utilizing a wheel washing system to remove bulk

material from tires and vehicle undercarriages before vehicles exit the proposed Project site, and maintaining effective cover over exposed areas. Compliance with Rule 403 is a legal requirement; however, Construction Mitigation includes the following:

> Condition No. 18: CM-2 All unpaved demolition and construction areas shall be wetted at least twice daily during excavation and construction. and temporary dust covers shall be used to reduce dust emissions and meet SCAQMD District Rule 403. Wetting could reduce fugitive dust by as much as 50 percent.
> CM-3. The construction area shall be kept sufficiently dampened to control dust caused by grading and hauling, and at all times provide reasonable control of dust caused by wind.
> CM-4. All clearing, earth-moving, or excavation activities shall be discontinued during periods of high winds (i. e.. greater than 15 mph) so as to prevent excessive amounts of dust.
> CM-5. All dirt/soil loads shall be secured by trimming, watering, or other appropriate means to prevent spillage and dust.
> CM-6. All dirt/soil materials transported off-site shall be either sufficiently watered or securely covered to prevent excessive amount of dust.
> CM-7. General contractors shall maintain and operate construction equipment so as to minimize exhaust emissions.
> CM-8. Trucks having no current hauling activity shall not idle but be turned off.

With implementation of the above construction mitigation measures, construction-related daily emissions associated with construction of the proposed Project would not exceed any SCAQMD significance thresholds for criteria pollutants during the construction phase. Therefore, construction air quality impacts would be less than significant.

Operations

As discussed above, the Project is consistent with the General Plan land use designation of Medium Residential and since SCAG's regional growth forecasts are based upon, among other things, land uses specified in the City's General Plan, a project that is consistent with the land use designation in the General Plan would also be consistent with the SCAG's regional forecast projections. Therefore, operational air quality impacts would be less than significant

Sensitive Receptors

The SCAQMD identifies the following as sensitive receptors: long-term health care facilities; rehabilitation centers; convalescent centers; retirement homes; residences; schools; playgrounds; child care centers; and athletic facilities. Impacts to sensitive receptors are calculated according to SCAQMD's localized significance thresholds (LSTs), which are based on the amount of pounds of emissions per day that can be generated by a project that would cause or contribute to adverse localized air quality impacts.

The nearest off-site sensitive receptors that could potentially be subject to localized air quality impacts associated with construction of the proposed Project include the surrounding residences.

Implementation of the construction mitigation measures above would ensure that the average peak daily emissions generated within the Project site during the various construction activities (i.e., demolition, grading/excavation, paving, and building) would not exceed the applicable construction

LSTs. Due to the minimal amount of trips that would result from the Project, a traffic study was deemed not to be required to analyze the impacts to traffic resulting from implementation of the Project. Thus, the net new 57 daily trips generated by the proposed Project would not be substantial enough to result in localized high levels of CO at the nearby intersections to the Project site.[4] Therefore, implementation of the proposed Project would not expose any sensitive receptors located in proximity to the Project site to substantial CO concentrations and impacts would be less than significant.

Odors

During the construction phase, activities associated with the application of architectural coatings and other interior and exterior finishes may produce discernible odors typical of most construction sites. Such odors would be a temporary source of nuisance to adjacent uses, but because they are temporary and intermittent in nature, would not be considered a significant environmental impact. Therefore, there would be no impacts associated with objectionable odors.

Biological Resources

Policies Protecting Biological Resources

Local ordinances protecting biological resources are limited to the City Protected Tree Ordinance (Ordinance 177,404). The Protected Tree Ordinance provides guidelines for the preservation of all Oak trees (Quercus spp.) indigenous to California (excluding the Scrub Oak or Quercus dumosa) as well as the following tree species: Southern California Black Walnut (Juglans californica var. californica); Western/California Sycamore (Platanus racemosa); and California Bay (Umbellularia californica). Condition No. 17: MM-2, MM-3, and MM-4 will reduce potential impacts to less than significant levels.

There are several street trees in the public right-of-way along Hyperion Avenue. The removal of any trees in the public right-of-way would require the approval of the Board of Public Works. As part of the proposed Project, the site would be landscaped with a mix of trees and shrubs and as required by Condition No. 17: MM-1 for Aesthetics, all open areas not used for building, driveways, parking areas, recreational areas, or walks are required to be landscaped. Potential impacts will be mitigated to less than significant by the following measures:

> Condition No. 17: MM-2. Prior to the issuance of any permit, a plot plan shall be prepared indicating the location, size, type, and general condition of all existing trees on the site and within the adjacent public right(s)-of way.
> MM-3. All significant (8-inch or greater trunk diameter, or cumulative trunk diameter if multi-trunked, as measured 54 inches above the ground) non-protected trees on the site proposed for removal shall be replaced at a 1: 1 ratio with a minimum 24-inch box tree, net new trees, located within the parkway of the adjacent public right(s)-of-way may be counted toward replacement tree requirements.
> MM-4. Removal or planting of any tree in the public right-of-way requires approval of the Board of Public Works. Contact the Urban Forestry Division of the Department of Public Works at:

[4] While a traffic study was not required, a trip generation memorandum, dated March 2, 2015, was prepared by Crain & Associates, a licensed transportation engineering firm, which provides a conservative analysis of the potential for traffic impacts. See Transportation/Traffic below for further information.

213-847-3077. All trees in the public right-of-way shall be provided per the current standards of the Urban Forestry Division of the Department of Public Works, Bureau of Street Services.

With implementation of the mitigation measures listed above and compliance with local regulations related to protected trees, the proposed Project would not conflict with local policies or ordinances protecting biological resources, and there would be a less than significant impact.

Impact on Riparian Habitat

The Project site is located in an urbanized area of the City of Los Angeles and was previously graded and developed with residential buildings. No riparian or other sensitive habitat areas are located on or adjacent to the Project site. Therefore, implementation of the proposed Project would have no impact on riparian habitat or other sensitive natural communities.

Impact on Wetlands

The Project site and surrounding area do not support riparian or wetland habitat. A review of the National Wetlands Inventory identified no protected wetlands in the Project area. Therefore, the Project site does not support any riparian or wetland habitat, as defined by Section 404 of the Clean Water Act. No Project impacts to riparian or federally protected wetland habitats would occur.

Impact on Migration and Wildlife Corridors

The Project site and the surrounding area are located in an urbanized area that does not contain large expanses of vegetation, natural open space, or areas of significant biological resource value. No wildlife corridors or nurseries are located near the Project site due to existing development. Therefore, implementation of the proposed Project would have no impact on any fish or wildlife corridors.

Impact on Habitat Conservation Plan

The Project site and its vicinity are not part of any draft or adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan. Therefore, no impact to any adopted habitat or conservation plans would occur.

Geology and Hazards

Earthquake Faults

The Project site is located in the seismically active region of Southern California. Numerous active and potentially active faults with surface expressions (fault traces) have been mapped adjacent to, within, and beneath the City. However, there are no active or potentially active faults identified by the State as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map that are known to be present beneath the Project site. In addition, the City of Los Angeles Seismic Environmental and Public Facilities Maps do not include the Project site within an Alquist-Priolo Special Study Zone or Fault Rupture Study Area. As the Project site is located in a seismically active region, the proposed Project would conform to all applicable provisions of the City of Los Angeles Building Code ("LABC") with respect to new construction. As no active faults are located within or adjacent to the Project site, impacts associated with fault rupture would be less than significant.

Strong Seismic Ground Shaking

Although the Project site is not within an Alquist-Priolo Zone, as with all properties in the seismically active Southern California region, the Project site is susceptible to ground shaking during a seismic event. The main seismic hazard affecting the Project site is moderate to strong ground-shaking on one of the local regional faults. Condition No. 17: MM-5 requires the following:

> MM-5. The design and construction of the Project shall conform to the California Building Code seismic standards as approved by the Department of Building and Safety.

This mitigation would ensure conformance with applicable provisions of the LABC and would reduce impacts associated with seismic ground shaking to a less than significant level.

Ground failure; Liquefaction

The Project site is not located within an area that is susceptible to liquefaction according to information included in the City of Los Angeles Zoning Information and Map Access System (ZIMAS). Therefore, no impacts related to ground failure and liquefaction would occur. Nonetheless, the proposed Project would conform to all applicable provisions of the LABC, which would ensure that potential impacts related to seismic-related ground failure would not occur.

Landslides

The Project site is not located in a landslide area as identified by the ZIMAS. As such, the probability of landslides, including seismically induced landslides, is considered to be low at the Project site, impacts associated with landslides would not occur.

Geologic Unit or Soil that is Unstable

Safe construction practices would be exercised through compliance with the LABC, which includes building foundation requirements appropriate to site conditions. The proposed Project would not be located on a geologic unit or on 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. Further, safe construction would be assured through compliance with the LABC and MM-5, which would ensure that impacts related to lateral spreading, subsidence, or collapse would be less than significant. Therefore, impacts associated with soil stability would not occur.

Expansive Soils

All earth work would be performed in accordance with applicable City standards. Safe construction practices would be exercised through compliance with the LABC, Condition No. 6, and Condition No. 17: MM-5, which includes building foundation requirements appropriate to site conditions, and with the oversight of the Project geotechnical engineer. Therefore, impacts associated with expansive soil would not occur.

Alternative Waste Water Disposal

The Project site is located in a developed area of Los Angeles, which is served by a wastewater collection, conveyance, and treatment system maintained and operated by the City of Los Angeles. No septic tanks or alternative disposal systems are necessary or proposed for the Project. No impact to geology or soils would occur from septic or alternative wastewater disposal systems.

Substantial Soil Erosion or Loss of Topsoil

Although development of the proposed Project has the potential to result in the erosion of soils during site preparation and construction activities, erosion would be reduced through implementation of stringent erosion controls imposed during grading and building permit regulations.

The potential for soil erosion during the operation of the proposed Project is relatively low due to the fact that the Project site would be almost entirely developed and/or landscaped. All grading activities would require grading permits from the City of Los Angeles Department of Building and Safety ("LADBS"), which would include requirements and standards designed to limit potential impacts to acceptable levels. In addition, on-site grading and site preparation must comply with all applicable provisions of Chapter IX, Division 70 of the LAMC, which addresses grading, excavations, and fills. Implementation of the applicable grading and building permit requirements and the application of Best Management Practices (BMPs) are set forth in Condition No. 18: CM-9, CM-10, CM-11, CM-12, and CM-13 as follows:

> CM-9. The Applicant shall provide a staked signage at the site with a minimum of 3-inch lettering containing contact information for the Senior Street Use Inspector (Department of Public Works), the Senior Grading Inspector (LADBS), and the hauling or general contractor.
> CM- 10. Chapter IX. Division 70 of the Los Angeles Municipal Code addresses grading, excavations, and fills. All grading activities require grading permits from the Department of Building and Safety. Additional provisions are required for grading activities within Hillside areas. The application of BMPs includes but is not limited to the following mitigation measures:
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> a. Excavation and grading activities shall be scheduled during dry weather periods. if grading occurs during the rainy season (October 15 through April 1), diversion dikes shall be constructed to channel runoff around the site. Channels shall be lined with grass or roughened pavement to reduce runoff velocity.
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> b. Stockpiles, excavated, and exposed soil shall be covered with secured tarps, plastic sheeting, erosion control fabrics, or treated with a bio-degradable soil stabilizer.
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> CM- 11. The grading plan shall conform with the City's Landform Grading Manual guidelines, subject to approval by the Advisory Agency and the LADBS Grading Division.
> CM- 12. Appropriate erosion control and drainage devices shall be provided to the satisfaction of the Building and Safety Department. These measures include interceptor terraces. Berms, vee-channels, and inlet and outlet structures, as specified by Section 91. 7013 of the Building Code including planting fast-growing annual and perennial grasses in areas where construction is not immediately planned.
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Compliance with the mitigation measures described above would ensure that impacts associated with soil erosion and loss of topsoil would be less than significant.

Hazards and Hazardous Materials

Hazard to the Public, Environment – Routine Transport, Use, or Disposal of Hazardous Materials

The proposed Project would include residential uses and would not be expected to require the routine transport, use, or disposal of any hazardous materials beyond those typically associated with janitorial or grounds maintenance activities for such a project; therefore, no impact would occur.

Hazardous Materials - Accidents or Release

The proposed Project would use, at most, minimal amounts of hazardous materials for routine household cleaning and maintenance and, therefore, would not pose a significant risk involving the routine transport, use, and disposal of hazardous materials or the accidental release of hazardous materials; therefore, no impact would occur during operation of the Project. However, demolition or alteration of existing structures could release toxic and/or hazardous materials due to the age of the structures. Condition No. 17: MM-6 and MM-7 are required as follows:

> MM-6. (Asbestos) Prior to the issuance of any permit for the demolition or alteration of the existing structure(s), the Applicant shall provide a letter to the Department of Building and Safety from a qualified asbestos abatement consultant indicating that no Asbestos-Containing Materials ACM) are present in the building, If ACMs are found to be present, it will need to be abated in compliance with the South Coast Air Quality Management District's Rule 1403 as well as all other applicable State and Federal rules and regulations.
> MM-7. (Lead Paint) Prior to issuance of any permit for the demolition or alteration of the existing structure(s), a lead-based paint survey shall be performed to the written satisfaction of the Department of Building and Safety, should lead-based paint materials be identified. Standard handling and disposal practices shall be implemented pursuant to OSHA regulations.

With implementation of the above mitigation measures, impacts related to exposure to hazardous materials would be less than significant.

Schools

The school closest to the Project site is Lockwood Elementary School which is located northwest of the Project site and is approximately three-quarters of a mile away. Therefore, no elementary, middle, or high schools are located within one quarter-mile of the Project site. As such, no impacts related to schools would occur.

Hazardous Materials Sites

According to ZIMAS, the Project site is not located in a Methane Hazard zone; therefore, impacts related to hazardous materials sites would not occur.

Airports

The Bob Hope Airport in Burbank is the nearest public use airport, located approximately 12 miles north of the Project site. Furthermore, the Project site is not located within an airport land use plan boundary. Therefore, no impact would occur. The proposed Project is not located in the vicinity of a private airstrip; therefore, no impact would occur.

Emergency Response or Evacuation Plan

The proposed Project involves the construction of an eight unit, three-story small lot subdivision development. An emergency response plan would be submitted to the LAFD during review of plans as part of the building permit process. Furthermore, the Project site is not located along a City-designated emergency response route. As such, the proposed Project would have a less than significant impact with respect to emergency response plans.

Wildfires

The Project site is not located in a Very High Fire Severity Zone as designated by the Los Angeles Fire Department. The Project site is located in the highly urbanized area of Los Angeles and does not include wildlands or high fire hazard terrain or vegetation; therefore, no impact would occur.

Hydrology and Water Quality

Substantially Alter Drainage; Erosion or Siltation

The proposed Project would decrease the amount of permeable surface area on the Project site, which would be expected to decrease the amount of stormwater that would enter the groundwater system through percolation and increase the amount of stormwater (and associated erosion) that would enter the City's storm drains. In addition, the Project site is not located adjacent to any stream or river. Therefore, operation of the proposed Project would not result in substantial siltation and/or erosion due to altered drainage patterns and impacts associated with drainage, erosion, and siltation would be less than significant.

The proposed Project would involve the removal of the existing on-site building and paved areas and the construction of an eight unit small lot subdivision development. The proposed Project is expected to decrease the amount of permeable surface area on the Project site, which would decrease the amount of stormwater that would enter the groundwater system through percolation and increase the amount of stormwater that would enter the City's storm drains. However, the Project site is not located adjacent to any stream or river, and Project runoff would continue to drain into the existing City storm drain infrastructure. Therefore, the proposed Project would not result in flooding due to altered drainage patterns and impacts would be less than significant.

Degrade Water Quality

The proposed Project could cause potential sources of contaminants in the form of sediment which carries with it other pollutants such as pesticides, cleaning solvents, cement wash, asphalt, and car fluid that could potentially degrade water quality. Therefore, Condition No. 18: CM-14, CM-15, CM-16, CM-17, and CM-18 shall be implemented as follows:

> CM- 15. Leaks, drips, and spills shall be cleaned up immediately to prevent contaminated soil on paved surfaces that can be washed away into the storm drains.
>
> CM- 16. All vehicle/equipment maintenance, repair, and washing shall be conducted away from storm drains. All major repairs shall be conducted off-site. Drip pans or drop clothes shall be used to catch drips and spills.
>
> CM- 17. Pavement shall not be hosed down at material spills. Dry cleanup methods shall be used whenever possible.

CM- 18. Dumpsters shall be covered and maintained. Uncovered dumpsters shall be placed under a roof or be covered with tarps or plastic sheeting.

Therefore, implementation of the above mitigation measures will reduce potentially significant impacts to less than significant levels.

100 Year Flood Hazard

The Project site is not located in an area designated as a flood hazard zone, according to ZIMAS. Therefore, the proposed Project would not place housing within a flood hazard area or construct structures that would impede or redirect flows and no impact would occur.

Flooding

According to City of Los Angeles Bureau of Engineering's NavigateLA, the Project site is not located in an inundation area. However, the Project would be required to comply with the requirements of the Flood Hazard Management Specific Plan as required by Condition No. 17: MM-8:

MM-8. The Project shall comply with the requirements of the Flood Hazard Management Specific Plan, Ordinance No. 172081 effective 7/3/98.

With implementation of the mitigation measure above, the potential impact associated with flooding due to the failure of a levee or dam would be less than significant.

Seiche, Tsunami, or Mudflow

The Project site is not located in a potential tsunami zone. Additionally, the Project site is located approximately 4.6 miles from the Pacific Ocean and is not in the vicinity of any major water bodies; therefore, risks associated with seiches or tsunamis would be low at the Project site. The Project site is located within a hillside area; however, it does not contain substantial sources of mudflow. Additionally, the surrounding area is developed and no other sources of mudflow are present in the immediate vicinity. Therefore, there would be no impact associated with the risk of loss, injury, or death by seiche, tsunami, or mudflow.

Water Quality Standards & Waste Discharge Requirements

Construction activities must meet the National Pollution Discharge Elimination System (NPDES) requirements for storm water quality and comply with all applicable regulations with regard to surface water quality as governed by the State Water Resources Control Board (SWRCB). The SWRCB mandates that projects that disturb one or more acres of soil or less than one acre but are part of a larger development disturbing one or more acres must obtain coverage under the Statewide General Permit for Discharges of Storm Water Associated with Construction Activity. The General Permit requires that, prior to construction activity, project applicants file a Notice of Intent (NOI) with the SWRCB and prepare a project-specific Storm Water Pollution Prevention Plan (SWPPP) that incorporates Best Management Practices (BMPs) to control erosion and to protect the quality of surface water runoff during the construction period. Since the grading required for the proposed Project would involve a footprint of less than one acre, the proposed Project would not be required to prepare a SWPPP.

Land Use and Planning

Physically Divide an Established Community

The potential for the proposed Project to physically divide an established community is based on comparison of the existing land uses on and adjacent to the proposed Project site. As previously discussed, the Project site is situated in an area consisting of single- and multi-family residential buildings. The proposed Project would add an eight unit small lot subdivision to an area that is already developed. The new development would not consist of the placement of a new roadway or other physical barrier that could physically divide an established residential community. As the proposed Project would not divide an established community, no impact would occur.

Conflict with Applicable Conservation Plan or Natural Community Conservation Plan

The Project site is not included in or involved with any conservation plan or natural community conservation plan. As previously discussed, the Project site is located in a highly urbanized area of the City of Los Angeles. The Project site is currently fully developed with a surface parking lot. Therefore, the proposed Project would not conflict with any habitat conservation plan or community conservation plan and the Project's impacts would be less than significant.

Land Use Plan Consistency

The Project site is located in the Silver Lake-Echo Park-Elysian Valley community of the City of Los Angeles. As such, the Project site is subject to the applicable policies and zoning requirements of several regional and local plans. At the regional level, development within the Project site is subject to the Southern California Association of Governments' (SCAG) Regional Comprehensive Plan and Guide (RCPG), Compass Growth Vision, Regional Comprehensive Plan (RCP), South Coast Air Quality Management District's (SCAQMD) 2007 Air Quality Management Plan (AQMP), Regional Transportation Plan (RTP), and the Los Angeles County Metropolitan Transportation Authority's (LACMTA) Congestion Management Plan for Los Angeles County (CMP). At the citywide scale, development within the Project site is subject to the City of Los Angeles General Plan (the "General Plan"), the Silver Lake-Echo Park-Elysian Valley Community Plan (the "Community Plan"), and the LAMC.

The MND and the administrative record contain a review of the Project's consistency with applicable plans as well as the design guidelines included in the Small Lot Subdivision Ordinance, which are advisory and not mandatory. The administrative record includes an extensive consistency analysis with the small lot design guidelines provided by Project consultant three6ixty in support of VTT-72500-SL.

City of Los Angeles General Plan Framework Element

The General Plan Framework Element is a strategy for long-term growth that sets a citywide context to guide the update of the community plan and citywide elements. The Long Range Land Use Diagram in the General Plan Framework Element does not identify the Project site as located within a district, center, or mixed use boulevard. Highway Oriented Commercial designated properties are located to the north of the Project site. The proposed Project would be in close proximity to the commercial, retail, and community services of these properties.

City of Los Angeles General Plan Other Elements

The General Plan designates the Project site for Medium Residential land uses, which corresponds with the R3 zone in the LAMC. Pursuant to the LAMC, allowable land uses include multiple dwellings and single-family dwellings. Therefore, the proposed Project would be consistent with the Medium Residential designation, and impacts with respect to land use designation would be less than significant.

With respect to density, the Community Plan does not include guidelines for the allowable density of a specific land use designation. However, as land use designations within the Community Plan correspond with LAMC zoning, the Community Plan refers to the LAMC for allowable densities of a given land use designation. The R3 zoning limits density based on a minimum lot area per dwelling unit of 800 square feet. This would allow up to 18 units on the Project site (without a density bonus), so the Project's density complies with the zoning.

The proposed Project's consistency with applicable policies of the Silver Lake-Echo Community Plan is provided below, and as shown, the proposed Project would be consistent with the applicable land use policies of the Community Plan and the associated impacts would be less than significant.

Density and Building Height

According to the LAMC, the maximum residential density permitted for the property is one dwelling unit per 800 square feet of lot area. This would allow up to 18 units on the Project site (prior to a density bonus). The LAMC limits building height to a maximum of 45 feet, as measured from natural grade. The Project includes eight units and a building height of up to 35 feet, as measured in accordance with LAMC requirements. As the proposed Project parameters would be less than the maximum, impacts with respect to density and building height would be less than significant.

Parking Requirements

The proposed Project requires two covered parking spaces per unit and no guest parking per the Small Lot Subdivision Ordinance. The total parking required is 16 spaces with no guest parking required. Parking provided would include 18 spaces which exceeds the required parking by two spaces; therefore, impacts related to parking would not occur.

Open Space

Pursuant to the Small Lot Subdivision Ordinance, each unit would have private outdoor space in the form of a 3rd floor deck. In addition, each unit would have at-grade front, rear, and side yards. Moreover, the Project would fall well below the LAMC 80% maximum lot coverage permitted by the Small Lot Ordinance (providing only between 37-59% total lot coverage). Thus, the Project would be consistent with the requirements of the LAMC. Impacts with respect to open space would be less than significant.

Habitat Conservation

No habitat conservation plans or natural community plans presently exist on the Project site. Therefore, the proposed Project would not have the potential to conflict with any applicable habitat conservation plan or natural community conservation plan and further analysis of this issue is not warranted.

Appellant Does not provide Substantial Evidence Supporting a Fair Argument that the Project May have a Significant Land Use Impact

The Appellant contends that the Project is not consistent with various land use regulations, thereby implying that the Project may have a significant land use impact. The City finds these arguments to be incorrect, lacking in substantial evidence, and mere opinion. The City further finds after evaluating the arguments raised in the appeal that the Project is consistent with the letter and intent of Community Plan, the Small Lot Subdivision Ordinance, and LAMC Open Space requirements.

General Plan Consistency

Appellant mainly contends that the Project should be denied because it fails to comply with the City's General Plan. The Site is designated "Medium Residential" – the highest intensity multi-family residential land use designation permitted by the Silver Lake-Echo Park-Elysian Valley Community Plan (the "Community Plan"). Instead of taking advantage of the maximum allowable Medium Residential/R3 density, the eight unit Project actually conforms to the RD1.5 zoning permitted by the Community Plan's more restrictive "Low Medium II Residential Designation." Thus, the Project complies not only with the Site's General Plan land use designation, but also a more restrictive residential designation not applicable to this segment of Hyperion Avenue.

The Project objectively complies with the General Plan and LAMC development standards. Appellant, however, cites numerous subjective Community Plan objectives and policies that the Project supposedly undermines. However, many of the policies cited in the appeal apply to multi-family housing projects, as opposed to single family homes. Contrary to the appeal, the City finds that the Project advances the following applicable goals, policies, and objectives of the Community Plan by providing much needed housing stock in an appropriately-scaled project that complies with all of the City's Small Lot Subdivision Design Guidelines:

- "Preserving and enhancing the positive characteristics of existing residential neighborhoods while providing a variety of housing opportunities with compatible new housing." (Community Plan, p. III-1).

- "Preserving and enhancing the positive characteristics of existing development, such as scale, height, bulk, setbacks and appearance, and uses which together provide the foundation for community identity." (Community Plan, p. III-1).

- "Improve the quality of existing single family and multiple family housing throughout the Plan area." (Community Plan, p. III-3).

- "Promote the preservation of existing single and multiple family neighborhoods." (Community Plan, p. III-4).

Appellant contends the Project creates a land use impact by allowing single family homes to be developed on land otherwise zoned for multi-family and affordable housing. However, the City finds that the Project cannot create a land use impact or conflict because it fully complies with type of development permitted by the Site's "Medium Residential" Community Plan land use designation, the R3-1VL zone, and the Small Lot Subdivision Ordinance.

Further, while the Community Plan generally encourages a diversity of housing choices within the area, it does not mandate or require the construction of multi-family affordable housing at the Site or elsewhere in the R3-1VL zone. Thus, the City finds that development of eight single-family home small lot subdivision would not come at the expense of new affordable units that would otherwise be constructed at the Project site. Furthermore, the Project removes two existing single-family homes and would not displace any rent controlled multi-family housing units subject to the City's Rent Stabilization Ordinance ("RSO"). Thus, the Project does not cause a land use impact by failing to provide on-site affordable housing.

Small Lot Subdivision Design Guidelines Consistency

Appellant incorrectly contends that the Project does not comply with the guidelines of the Small Lot Subdivision Ordinance.

The City's Small Lot Subdivision Guidelines (the "Guidelines") are not part of the City's General Plan and compliance is not mandated by the Subdivision Map Act or the City's subdivision ordinance. Therefore, a project's failure to comply with one or more of the Guidelines does not provide grounds for denial of the VTTM. Regardless, for the purpose of advancing quality design the City evaluated the Project's consistency with the Guidelines and has determined the Project is in full compliance. (A detailed matrix which highlights compliance with each specific Guideline was prepared by Project consultant three6ixty and is included in the administrative record).

With respect to appropriate scale, existing homes along this segment of Hyperion are generally between 33-35-feet in height. Thus, the 35-foot Project (10 feet less than the 45-foot height limit) is consistent and compatible with the height of surrounding structures. The Project density at four homes on each existing lot (eight total homes) is also less than the average density of almost 6 units per lot along this portion of Hyperion Avenue.

The Project provides a 15-foot front yard setback along Hyperion Avenue, consistent with the varying setbacks along the street and 5-foot LAMC-required setbacks along the northern and southern property lines. Each home includes private open space (ranging from 147 to 234 square feet) on the third floor. Consistent with the Guidelines, the structures are stepped back from the neighbors' yards to provide visual massing relief and adequate access to light, air, and ventilation. Overall, the Project's building façades draw from the historic and mid-century modern styles prevalent in the Silver Lake area, and incorporate clear lines, warm refined materials, and an open and inviting presence. The City therefore finds that the Project's architecture and design comply with the Guidelines, fit within the character of the Silver Lake community, and are compatible and consistent with this specific segment of Hyperon Avenue.

Open Space

Appellant contends that the Project violates the open space requirements of LAMC Section 12.21.G. However, LAMC Section 12.21.G applies to multi-family residential projects on a single legal lot. The Project includes eight single family units on eight separate legal lots and is a small lot subdivision. Open space for small lot subdivisions is required to comply with the provisions of LAMC Section 12.22.C.27(d) which requires buildings to have a lot coverage of less than 80 percent. The Project complies with this standard because lot coverage ranges from only 37 to 59 percent.

Appellant further contends that the Project does not meet the LAMC requirements related to private streets, parkway/sidewalk, pedestrian walkways, and side-yard setbacks. The City finds there is no requirement in the LAMC for small lot subdivisions to include a private street or pedestrian walkway and the Project complies with the setback requirements of the Small Lot Subdivision Ordinance.

Noise

Construction Noise

Construction-related noise impacts would be significant if, as indicated in Section 112.05 of the LAMC, noise from construction equipment within 500 feet of a residential zone exceeds 75 dBA at a distance of 50 feet from the noise source. However, this noise limitation does not apply where compliance is technically infeasible. Technically infeasible means that the 75 dBA noise limitation cannot be complied with despite the use of mufflers, shields, sound barriers, and/or any other noise reduction device or techniques during the operation of the equipment.

Construction of the proposed Project would require the use of heavy equipment for site demolition, grading, installation of utilities, paving, and building fabrication. Construction activities would also involve the use of smaller power tools, generators, and other sources of noise. During each construction phase, there would be a different mix of equipment operating and noise levels would vary based on the amount of equipment in operation and the location of each activity. The range for noise levels generated by typical, individual pieces of construction equipment is provided in the *L.A. CEQA Thresholds Guide* in Exhibit I.1-1, Noise Level Ranges of Typical Construction Equipment.

The U.S. Environmental Protection Agency (EPA) has also compiled data for outdoor noise levels for typical construction activities. These data, which represent composite construction noise levels that take into account both the number of pieces and spacing of heavy construction equipment associated with typical construction activities, are presented in the *L.A. CEQA Thresholds Guide*, Exbhit I.1-2, Typical Outdoor Construction Noise Levels. These noise levels would diminish rapidly with distance from the construction site at a rate of approximately 6 dBA per doubling of distance. For example, a noise level of 84 dBA Leq measured at 50 feet from the noise source to the receptor would reduce to 78 dBA Leq at 100 feet from the source to the receptor, and reduce by another 6 dBA Leq to 72 dBA Leq at 200 feet from the source to the receptors.

Section 41.40 of the LAMC regulates noise from demolition and construction activities. Exterior demolition and construction activities that generate noise are prohibited between the hours of 9:00 P.M. and 7:00 A.M. Monday through Friday, and between 6:00 P.M. and 8:00 A.M. on Saturday. Demolition and construction are prohibited on Sundays and all federal holidays. The construction activities associated with the proposed Project would comply with these LAMC requirements.

In addition, pursuant the City Noise Ordinance (LAMC Section 112.05), construction noise levels are exempt from the 75 dBA noise threshold if all technically feasible noise attenuation measures are implemented. Mitigation measures that would reduce the noise levels associated with construction of the proposed Project to the maximum extent that is technically feasible have been identified in Condition No. 18: CM-20, CM-21, and CM-22 as follows:

> CM-20. Construction and demolition shall) be restricted to the hours of 7:00 am to 6:00 pm Monday through Friday and 8:00 am to 6:00 pm on Saturday.

CM-21. Demolition and construction activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously, which causes high noise levels.
CM-22. The project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices.

With implementation of Condition No. 18: CM-19, CM-20, CM-21, and CM-22 impacts associated with construction-related noise levels would be mitigated to the maximum extent feasible and would be less than significant.

Substantial Permanent Increase in Ambient Noise Levels in the Project Vicinity

As defined in the *L.A. CEQA Thresholds Guide* for operational noise impacts, a project would normally have a significant impact on noise levels from project operations if the project causes the ambient noise level measured at the property line of affected uses to increase by 3 dBA in Community Noise Exposure ("CNEL") to or within the "normally unacceptable" or "clearly unacceptable" category shown on page I.2-4 of the *L.A. CEQA Thresholds Guide* CNEL, or any 5 dBA or greater noise increase. Thus, based on the noise ranges shown for each land use and the *L.A. CEQA Thresholds Guide* threshold for operational noise impacts, a significant impact would occur if noise levels associated with operation of the proposed Project would increase the ambient noise levels by 3 dBA CNEL at homes where the resulting noise level would be at least 70 dBA CNEL. In addition, any long-term increase of 5 dBA CNEL or more is considered to cause a significant impact.

Traffic Noise

Locations in the Project vicinity could experience slight changes in noise levels as a result of an increase in motor vehicle trips associated with the proposed Project. However, in order for a new noise source to be audible, there would need to be a 3 dBA or greater CNEL noise increase. The traffic volume on any given roadway would need to double in order for a 3 dBA increase in ambient noise to occur. According to the *L.A. CEQA Thresholds Guide*, if a project would result in traffic that is less than double the existing traffic, then the project's mobile noise impacts can be assumed to be less than significant.

As provided in the Trip Generation Memorandum prepared by Crain & Associates, the Project would generate a net increase of 57 daily vehicle trips in the Project vicinity. Due to the low trip generation of the Project, the traffic volume that would be introduced by the proposed Project would not cause a doubling of traffic volumes on any existing roadways within the Project study area. Thus, this impact would be less than significant.

Stationary Noise Sources

New stationary sources of noise, such as mechanical HVAC equipment would be installed at the proposed residential units. The design of this equipment would be required to comply with Section 112.02 of the LAMC, which prohibits noise from air conditioning, refrigeration, heating, pumping, and filtering equipment from exceeding the ambient noise level on the premises of other occupied properties by more than five decibels. As such, the on-site equipment would be designed such that they would be shielded and appropriate noise muffling devices would be installed on the equipment to reduce noise levels that affect nearby noise-sensitive uses. Since the noise levels generated by the HVAC equipment serving the proposed Project would not be allowed to exceed the ambient noise level by five decibels on the premises of the adjacent properties, a substantial permanent increase in noise

levels would not occur at the nearby sensitive receptors. Therefore, impacts related to stationary noise sources would be less than significant.

Noise - Airport sites

The Project site is not within two miles of an airport, is not in an airport land use plan area, is not in the vicinity of a private airstrip. Therefore, impacts associated with noise associated with airports as a result of the location of the Project would not occur.

Public Services

Fire Protection

Pursuant to Section 57.09.07(A) of the LAMC, the maximum response distance between residential land uses and a LAFD fire station that houses an engine or truck company is 1.5 miles. Based on information provided on the LAFD website, the station closest to and serving the Project site is Fire Station No. 6, which is located at 326 North Virgil Avenue, Los Angeles, CA 90004, approximately 0.8 miles to the south.[5] The Project site is located within the recommended response distance; therefore, no impact related to LAFD response distance would occur.

The adequacy of fire protection is also based upon the required fire flow, equipment access, and the LAFD's judgment regarding needs and service for the area. The quantity of water necessary for fire protection varies with the type of development, occupancy rates, life hazard, and the degree of fire hazard. As required prior to building permit approval, the proposed Project would submit a request to the LADWP to determine whether the pressure in the Project area is sufficient. If the pressure is below the required standard, the City would require upgrades to the existing infrastructure as part of the normal building permit process. Therefore, impacts related to fire service would be less than significant.

Police Protection

According to information provided in the Department of City Planning Zoning Information and Map Access System ("ZIMAS"), the Los Angeles Police Department's (LAPD) Rampart Los Angeles Community Police Station, located at 1401 West 6th St., Los Angeles, CA 90017, and approximately 3.1 miles to the southeast of the Project site, is the station closest to and serving the Project Site. The approximately 23 additional persons would be a *de minimus* increase in population and would require less than one additional officer in order to maintain the current Citywide officer-to-civilian ratio.[6] Less than one additional officer would not require the need for new or expanded LAPD facilities. The proposed Project would include standard security measures, such as adequate security lighting and secure parking facilities. Therefore, impacts related to police protection would be less than significant.

Schools

The proposed Project could serve as housing for families with children. To reduce any potential population growth impacts on schools, the governing board of any school district is authorized to levy a

[5] http://lafd.org/fire_stations/station_results/%2A?zipcode=90029

[6] Per City of Los Angeles, General Plan Housing Element: 2.81 persons per household.

fee, charge, dedication, or other requirement against any construction within the boundaries of the district for the purpose of funding the construction or reconstruction of facilities (pursuant to California Education Code Section 17620(a)(1)). The School Facilities Fee Plan for the Los Angeles Unified School District ("LAUSD") has been prepared to support the school district's levy of the fees authorized by Section 17620 of the California Education Code. As required by Condition no. 17: MM-9 the proposed Project would be required to pay the appropriate fees, based on square footage, to LAUSD as follows:

> MM-9. The Applicant shall pay school fees to the Los Angeles Unified School District to offset the impact of additional student enrollment at schools serving the Project area.

With implementation of the mitigation measure above, impacts to school facilities would be less than significant.

Parks

Based on the City standards, the proposed Project could require an addition of parkland. The proposed Project includes on-site open space and extensive landscaping. In addition, at the time of construction, the Project would be required to comply with LAMC requirements for payment of Quimby fees for for-sale units. Thus, the Project's potential impacts on parks and recreational facilities would be reduced to a less than significant level.

Require Construction of New Recreational Facilities

A significant impact would not occur because the Project does not include the construction or expansion of park facilities. The proposed Project would include on-site open space and extensive landscaping. However, the proposed Project does not include any off-site park or recreational facility component, the construction of which could have an adverse effect on the environment. Therefore, impacts would be less than significant with respect to the construction or expansion of recreational facilities that could adversely affect the environment.

Other Facilities & Libraries

A significant impact would not occur because it is not reasonably foreseeable that the Project will generate a demand for other public facilities (such as libraries) that exceeds the capacity available. The proposed Project would potentially generate 23 residents, and, therefore, would not represent a population increase in the area. Based on information provided on the City of Los Angeles Public Library website, the closest library branch to the Project site is the Cahuenga Branch Library, located at 4591 Santa Monica Boulevard, Los Angeles, CA 90029.[7] This minimal increase in the number of residents would not significantly increase the need for library services. Therefore, impacts to library facilities would be less than significant.

Transportation/Traffic

Increase in Traffic which is Substantial in Relation to the Existing Traffic Load and Capacity of the Street System

[7] http://www.lapl.org/branches?distance%5Bpostal_code%5D=90029&distance%5Bsearch_distance%5D=1&distance%5Bsearch_units%5D=mile&field_branch_resources_services_tid=All

A significant impact will not occur because roadways and intersections that would carry Project-generated traffic would not exceed adopted City of Los Angeles Department of Transportation (LADOT) thresholds of significance. As discussed in the Crain & Associates Trip Generation Memorandum in the administrative record, the Project trip generation during the peak hours would result in no more than six trips which would not result in a significant impact. Therefore, impacts related to a substantial increase in relation to existing traffic load or capacity would be less than significant.

Construction Traffic

The Project would include minimal grading and no excavation. Even so the City recommends Construction Mitigation Measure CM-13 which provides the following:

CM- 13. Prior to the issuance of a grading or building permit, the Applicant shall submit a Construction Staging and Parking Plan to the Department of Building and Safety and the Fire Department for review and approval. The plan shall identify where all construction materials. Equipment, and vehicles will be stored through the construction phase of the project, as well as where contractor. Subcontractor, and laborers will park their vehicles so as to prevent blockage of two-way traffic on streets in the vicinity of the construction site. The Construction Staging and Parking Plan shall include, but not be limited to, the following:

- No construction equipment or material shall be permitted to be stored within the public right-of-way.
- If the property fronts on a designated Red Flag Street, on noticed Red Flag" days, all the workers shall be shuttled from an off-site area, located on a non-Red Flag Street, to and from the site in order to keep roads open on Red Flag days.
- During the Excavation and Grading phases, only one truck hauler shall be allowed on the site at any one time. The drivers shall be required to follow the designated travel plan o approved Haul Route.
- Truck traffic directed to the project site for the purpose of delivering materials, construction-machinery, or removal of graded soil shall be limited to off-peak traffic hours. Monday through Friday only. No truck deliveries shall be permitted on Saturdays or Sundays.
- All deliveries during construction shall be coordinated so that only one vendor/delivery vehicle is at the site at one time, and that a construction supervisor is present at such time.
- A radio operator shall be on-site to coordinate the movement of material and personnel, in order to keep the roads open for emergency vehicles, their apparatus, and neighbors.
- During all phases of construction, all construction vehicle parking and queuing related to the project shall be as required to the satisfaction of the Department of Building and Safety, and in substantial compliance with the Construction Staging and Parking Plan, except as may be modified by the Department of Building and Safety or the Fire Department.

Although construction traffic would be temporary and of limited duration in any event, implementation of the mitigation measure above would ensure that Project construction traffic would not result in a significant impact.

Operational Traffic

The proposed Project would generate a total of 76 trips per day, with no more than six peak hour trips. The increase in trips is below the LADOT threshold for preparing a traffic study and, therefore, analysis related to level of service (LOS) standards is not required. Nonetheless, the Applicant submitted a traffic analysis prepared by a licensed transportation engineer confirming that the Project traffic would not result in significant impacts at local intersections.

The analysis of the Project's trip generation utilizes the single-family detached housing rate from the Institute of Transportation Engineers (ITE) Trip Generation Manual. This rate, which is nationally recognized, is based on nationwide count data, and is considered to be an accurate predictor of the Project's trip generation. It is the basis for most traffic studies conducted in the City of Los Angeles and the surrounding region. As detailed in the Crain & Associates Trip Generation Memorandum, as a worst-case condition, it was assumed a nearby study intersection is operating at LOS E or F and the most stringent criterion of a Critical Movement Analysis ("CMA"), which is the standard used in urban areas to analyze LOS, would apply at this location. Further assumptions included:

- all trips generated by the Project would pass through a single critical lane at this intersection;
- the minimum critical-volume capacity for a signalized intersection of 1,375 vehicles per hour would apply; and
- based on the most stringent criterion of 0.010 multiplied by the lowest capacity results in a threshold of 14 added vehicle trips to cause a significant impact.

Based on these assumptions, the Project is expected to generate a total of 76 daily trips (57 net new trips) with no more than six net new trips in the AM or PM peak hours. This is below the LADOT established threshold (42 peak hour trips) requiring preparation of a traffic study. Therefore, the Project would not result in a significant traffic impact.

Furthermore, the traffic analysis conservatively did not take any trip-reduction credits for transit or bicycle trips although the Project site is located in an area well-served by transit and bike lanes. Los Angeles County Metropolitan Authority (Metro) bus stops are located less than one-half mile north, west, and south of the Project site on Sunset Boulevard, Virgil Avenue, and Hoover Street, respectively. In addition bicycle lanes are located less than one-half mile west of the Project site on Virgil Avenue.

Air Traffic Patterns

The scoping and Initial Study determined that the Project would not have any aviation related uses, and thus, no impact on air traffic at airports. The proposed Project would not require the modification of flight paths for existing airports. Therefore, no impacts related to air traffic patterns would occur.

Traffic Hazards Resulting from Design Features

A significant impact would not occur because the Project does not include new roadway design or introduce a new land use or project features into an area with specific transportation requirements, characteristics, or project access or other features designed in such a way as to create hazardous conditions. The Crain & Associates analysis shows that the Project's driveway fronting Hyperion Avenue enables cars to safely enter and exit the site in a forward motion. In evaluating the Crain & and Associates study, LADOT concludes that this represents a safer condition than other nearby properties

where vehicles are required to back out onto Hyperion Avenue when exiting their property. No hazardous design features or uses would therefore be introduced under the proposed Project that would create significant hazards to the surrounding roadways. Therefore, impacts related to road design features would be less than significant.

Emergency Access

A significant impact would not occur because the Project design provides emergency access meeting the requirements of the LAFD and would not threaten the ability of emergency vehicles to access and serve the Project site or adjacent uses. The proposed Project would provide adequate emergency access in conformance with City requirements. Based on LAFD's design criteria, all entrances and exits of the Project's ground floor would be located less than 150 feet from the edge of Hyperion Avenue, as shown on the VTTM and the Site Plan. Therefore, impacts related to emergency access would be less than significant.

Alternative Transportation Policies

A significant impact would not occur because the Project would not conflict with adopted policies or involve modification of existing alternative transportation facilities located on-site or off-site or programs that support alternative transportation. Implementation of the proposed Project is not anticipated to involve any permanent lane closures or otherwise impact public transit service. Therefore, impacts associated with alternative transportation would be less than significant.

Appellant Does Not Provide Substantial Evidence that the Project May have Significant Traffic/Transportation Impacts

The City finds Appellant's statement that the Project would result in a significant traffic/transportation impact to be incorrect, lacking in substantial evidence, and representing mere opinion. The Appellant contends that Hyperion Avenue is a substandard street and the Project site is located near a blind "S" curve. However, these claims were refuted by Crain & Associates, a recognized and licensed transportation engineer. In their analysis, Crain & Associates asserts that the Project provides a driveway that is safer than the driveways for nearby residences. Vehicles exiting the Project site would proceed in a forward motion rather than backing out onto Hyperion Avenue as vehicles exiting neighboring properties are required to do. The driveway configuration and access conditions have been designed in accordance LADOT criteria and reviewed by appropriate City agencies for compliance with City safety standards. The City further finds that, regardless of the street designation, the mere existence of a blind S curve along Hyperion Avenue is not, in and of itself, substantial evidence that the Project's risks to the public health.

Appellant Erroneously Asserts that the Project Driveway Does Not Meet LAMC Requirements

The Appellant asserts that the LAMC requires a minimum 20-foot driveway on all legal "lots" throughout the City. However, the definition of a "lot" in the LAMC exempts small lot subdivisions from this requirement, stating that "[i]n a ... small lot subdivision a lot need have only the street frontage or access as is provided on the recorded subdivision tract or parcel map for the development." Rather than mandating 20-foot driveways for small lot subdivisions, the LAMC defers to project-specific

recommendations from LADOT and LAFD. LADOT and LAFD have both reviewed, provided feedback, and approved the proposed driveway widths for this Project which vary from 20 feet by 20 feet, to 12 feet, and 14 feet. The City has approved small lot subdivisions with 12-foot driveways in the past. Recent examples include a project at 865 Sanborn Avenue in Silver Lake (VTT-70388-SL) that included a 12-foot driveway and is denser than the proposed Project with 10 units on a 9,000 square foot lot, rather than the Project which includes eight units on a 15,000 square foot lot. Finally, the LAMC requires that small lot subdivisions provide "access easements," and the Project has provided such an access easement which has been reviewed for adequacy and approved by LADOT and LAFD.

Utilities and Service Systems

Wastewater

A significant impact would not occur because the Project would discharge wastewater within the regulatory limits established by the governing agency. The City of Los Angeles Department of Public Works, Bureau of Sanitation provides sewer conveyance infrastructure and wastewater treatment services to the Project site. Specifically, the Bureau of Sanitation provides advance planning and financial management, and maintains and operates the sewage collection and treatment system. Located directly west of the Los Angeles International Airport, the Hyperion Treatment Plant (HTP) is the larger of two wastewater collection and treatment systems operated by the City of Los Angeles. In December of 1998, the HTP was upgraded to provide full secondary treatment of all effluent based on an average dry weather flow of 450 million gallons per day (mgd).

The proposed Project's sewage generation based on the standard generation rates, which are widely used, are reflected in the *L.A. CEQA Thresholds Guide*, and are considered to be an accurate predictor of the Project's sewage generation, would be approximately 1,840 gpd.[8] Because this is an increase of less than 1/10 of a percent and the HTP system has sufficient capacity to accommodate this level of wastewater flow, impacts related to wastewater would be less than significant.

Solid Waste—Construction

Construction activities generate a variety of scraps and wastes, with the majority of recyclables being wood waste, drywall, metal, paper, and cardboard. Recycling of construction-related waste materials in compliance with AB 939 would substantially reduce this waste stream that would otherwise go to a landfill. Compliance with existing construction waste recycling regulations would therefore ensure that impacts related to construction solid waste would be less than significant.

Solid Waste – Operation

According the *L.A. CEQA Thresholds Guide*, if a project generates less than five tons of solid waste per week, impacts would not occur. Residential units are estimated to generate 12.23 pounds per household per day which for the Project would result in less the 0.35 tons. Based on this estimate, the additional solid waste generated by the proposed Project is considered less than significant. Nevertheless, the City of Los Angeles prefers to impose Condition No. 17: MM-20 and MM-21 which are

[8] *L.A. CEQA Thresholds Guide*, Exhibit M.2012, Sewage Generation Factors: The calculation utilizes the Residential: Duplex/Townhouse/SFD – 3 Bd. rate to provide a conservative estimate.

intended to advance City policies related to recycling and to ensure that impacts remain less than significant.

> MM-20. (Operational) Recycling bins shall be provided at appropriate locations to promote recycling of paper, metal, glass, and other recyclable material. These bins shall be emptied and recycled accordingly as a part of the projects regular solid waste disposal program.
> MM- 21. All waste shall be disposed of properly. Use appropriately labeled recycling bins to recycle demolition and construction materials including: solvents, water-based paints, vehicle fluids, broken asphalt and concrete, bricks, metals, wood, and vegetation. Non recyclable materials/wastes shall be taken to an appropriate landfill. Toxic wastes must be discarded at a licensed regulated disposal site.

Water Supply

A significant impact would not occur because the proposed Project's water consumption would be within the capacity of facilities currently serving the Project site. The City of Los Angeles Department of Water and Power (LADWP) currently supplies water to the Project site. The LADWP is responsible for ensuring that water demand within the City is met and that State and federal water quality standards are achieved. California Code of Regulations (CCR), Title 20, Section 1604, establishes standards for low flow toilets, and prohibits the sale of fixtures that do not comply with the regulations. Title 22 of the CCR establishes standards implemented at the local level for the use of gray water for irrigation and other uses. The LADWP is also continuing to implement its water recycling project development to augment the potable water supply. Recycled water is currently being used in the City to meet irrigation, commercial, and industrial demands where feasible. Additionally, the LADWP has instituted significant water conservation measures to go along with the State regulations, including City Ordinances 165,004 and 166,080.

In response to potential water supply uncertainties, including those impacting the Metropolitan Water District, the Mayor and the DWP released a Water Supply Action Plan (Action Plan) on May 17, 2008. The plan, entitled "Securing L.A.'s Water Supply," serves as a blueprint for creating sustainable sources of water for the future of Los Angeles to reduce dependence on imported supplies. It is an aggressive multi-pronged approach that includes: investments in state-of-the-art technology; a combination of rebates and incentives; the installation of smart sprinklers, efficient washers, and urinals; and long-term measures such as expansion of water recycling and investment in cleaning up the local groundwater supply. The Action Plan also takes into account the realities of climate change and the dangers of drought and dry weather.The premise of the Action Plan is that the City will meet all new demand for water due to projected population growth through a combination of water conservation and water recycling. In total, the City will conserve or recycle 32.6 billion gallons of water. Pursuant to the Action Plan, by the year 2019, half of all new demand will be filled by a six-fold increase in recycled water supplies and by 2030 the other half will be met through ramped-up conservation efforts.

The water demands of the proposed Project would be adequately supplied from the existing water system, and the proposed Project would comply with State and local water conservation measures. Therefore, impacts to water infrastructure would be less than significant. Nevertheless, the City of Los Angeles prefers to impose Condition No. 17: MM-10, MM-11, MM-12, MM-13, MM-14, MM-15, MM-16, MM-17, MM-18, and MM-19 which are intended to advance City policies related to reduction of water consumption and to ensure that impacts remain less than significant.

MM- 10. The project shall comply with Ordinance No. 170,978 (Water Management Ordinance), which imposes numerous water conservation measures in landscape, installation, and maintenance (e.g., use drip irrigation and soak hoses in lieu of sprinklers to lower the amount of water lost to evaporation and overspray, set automatic sprinkler systems to irrigate during the early morning or evening hours to minimize water loss due to evaporation, and water less in the cooler months and during the rainy season).

MM- 11. In addition to the requirements of the Landscape Ordinance, the landscape plan shall incorporate the following:

- Weather-based irrigation controller with rain shutoff
- Matched precipitation (flow) rates for sprinkler heads
- Drip/microspray/subsurface irrigation where appropriate
- Minimum irrigation system distribution uniformity of 75 percent
- Proper hydro-zoning, turf minimization and use of native/ drought tolerant plan material
- Use of landscape contouring to minimize precipitation runoff
- A separate water meter (or submeter), flow sensor, and master valve shutoff shall be installed for existing and expanded irrigated landscape areas totaling 5,000 sf, and greater.

MM- 12. If conditions dictate, the Department of Water and Power may postpone new water connections for this project until water supply capacity is adequate:

MM- 13. Install high-efficiency toilets (maximum 128 gp, including dual-flush water closets, and high- efficiency urinals (maximum 0.5 gp, including no-flush or waterless urinals, in all restrooms as appropriate.

MM- 14. Install restroom faucets with a maximum flow rate of 1. 5 gallons per minute.

MM- 15. A separate water meter (or submeter), flow sensor, and master valve shutoff shall be installed for all landscape irrigation uses.

MM-16. Single-pass cooling equipment shall be strictly prohibited from use. Prohibition of such equipment shall be indicated on the building plans and incorporated into tenant lease agreements. (Single-pass cooling refers to the use of potable water to extract heat from process equipment, e.g. vacuum pump, ice machines, by passing the water through equipment and discharging the heated water to the sanitary wastewater system.)

MM- 17. Install no more than one showerhead per shower stall, having a flow rate no greater than 2.0 gallons per minute.

MM- 18. Install and utilize only high-efficiency clothes washers (water factor of 6.0 or less) in the project, if proposed to be provided in either individual units and/or in a common laundry room(s). If such appliance is to be furnished by a tenant, this requirement shall be incorporated into the lease agreement, and the Applicant shall be responsible for ensuring compliance.

MM- 19. Install and utilize only high- efficiency Energy Star-rated dishwashers in the project, if proposed to be provided. If such appliance is to be furnished by a tenant, this requirement shall be incorporated into the lease agreement, and the Applicant shall be responsible for ensuring compliance.

MANDATORY FINDINGS OF SIGNIFICANCE

Potential to degrade the quality of the environment, substantially reduce habitat, eliminate plants or animals, reduce fish or wildlife populations, eliminate plant or animal community, reduce or restrict endangered plants or animals or eliminate important examples of history or prehistory.

The Project will not degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory. Based on the analysis contained in the MND, with the implementation of identified mitigation measures, where applicable, the proposed Project would not degrade the quality of the environment and the Project does not have the potential for significant environmental impacts.

SUBSTANTIAL ADVERSE IMPACT ON HUMAN BEINGS

The Project does not have the potential to result in significant impacts. As described throughout the MND and these findings, with implementation of the recommended mitigation measures, the proposed Project would not result in any unmitigated significant impacts. Thus, the Project would not have the potential to result in substantial adverse effects on human beings, including human health and safety, and impacts would be less than significant.

B. GROWTH INDUCING IMPACTS

The Project provides much needed housing in the City of Los Angeles. The proposed Project would not induce growth in an area that is not already developed with infrastructure to accommodate such growth and meets existing housing needs. Off-site utility infrastructure adjacent to the site would adequately service the proposed Project. Further, the proposed Project, as an in-fill development, would be adequately served by existing public services such as fire, police, and public schools.

MITIGATION MONITORING PROGRAM

In accordance with the Requirements of Public Resources Code § 21081.6, the City must provide a mechanism for monitoring or reporting to assure compliance with mitigation measures and a statement as to where the records may be found. The City Council hereby adopts the mitigation monitoring and reporting program attached as Exhibit 1 to these Findings (the "Mitigation Monitoring Program"). The City has incorporated the mitigations measures and conditions of approval, required that a covenant be recorded to assure compliance; required the Planning Department to monitor and assure compliance; and many of the mitigations measures have monitoring built-in by requiring "to the satisfaction of..." various City agencies. These requirements support the mitigation monitoring program. The mitigation measures set forth in the MND are incorporated herein by this reference. The City reserves the right to make amendments and/or substitutions of mitigation measures if the City determines that the amended or substituted mitigation measure will mitigate the identified potential environmental impacts to at least the same degree as the original mitigation measure, and where the amendment or substitution would not result in a new significant impact on the environment that cannot be mitigated.

CUSTODIAN OF DOCUMENTS

The custodian of the documents or other material which constitutes the record of proceedings upon which the Director's decision is based is the City of Los Angeles, Planning Department, located at 200 North Spring Street, Room 750, Los Angeles, California 90012.

CONSIDERATION OF RECORD; INDEPENDENT JUDGMENT

In approving the proposed Project, the City Council has reviewed and considered the MND and supporting documents and all other pertinent evidence in the record of proceedings.

All materials related to the MND were extensively reviewed and, where appropriate, modified by the Planning Department or other City representatives. As such, the MND and all other related materials reflect the independent judgment and analysis of the Lead Agency.

SUBSTANTIAL EVIDENCE

The City Council finds and declares that substantial evidence for each and every finding made herein is contained in the MND, technical studies, and other CEQA related materials, the administrative record, staff reports, information provided by the Applicant, each and all of which are incorporated herein by this reference. Moreover, the City finds that where more than one reason exists for any finding, each reason independently supports such finding, and that any reason in support of a given finding individually constitutes a sufficient basis for that finding.

RELATIONSHIP OF FINDINGS TO MND

These Findings are based on the most current information available. Accordingly, to the extent there are any apparent conflicts or inconsistencies between the MND and any prior findings made by the Director or APC on the one hand, and these Findings, on the other, these Findings shall control and the MND, such prior findings, or both, as the case may be, are hereby amended as set forth in these Findings.

PROJECT CONDITIONS OF APPROVAL

Each of the Project design features and mitigation measures referenced in these Findings shall be conditions of Project approval to be monitored and enforced by the City pursuant to the building permit process and the Mitigation Monitoring Program. To the extent feasible, each of the other findings and conditions of approval made by or adopted by the City in connection with the Project are also incorporated herein by this reference.

RECIRCULATION OR RECONSIDERATION NOT REQUIRED

CEQA Guidelines Section 15073.5(a) requires that the lead agency recirculate an MND if the MND has been "substantially revised" after the public notice of its availability has been given. A substantial revision of the MND means:

1) A new, avoidable significant effect is identified and mitigation measures or project revisions must be added in order to reduce the effect to insignificance, or
2) The lead agency determines that the proposed mitigation measures or project revisions will not reduce potential effects to less than significance and new measures or revisions must be required.

The City Council finds that there has not been a substantial revision of the MND that would require recirculation. The Applicant made alterations to Project following preparation of the MND in response to City feedback and public comments on the Project. These Project alterations maintained the Project's already less than significant impacts identified in the MND.

The City Council finds that any measures set forth above and the conditions of Project approval added by the APC after circulation of the MND are not required by CEQA, do not create new significant environmental effects and are not necessary to mitigate an avoidable significant effect.

The City Council finds that any new information added to the administrative record, including but not limited to these Findings, following the issuance of public notice of availability of the MND merely clarifies, amplifies, or makes insignificant modifications to the MND. There is no new substantial evidence of any significant Project impacts.

Therefore, the City Council finds that no recirculation or reconsideration of the MND is necessary.