

EXHIBIT C:

Draft Resolution Certifying EIR and Adopting General Plan Amendments

Downtown Community Plan

CF 22-0617; CPC-2017-432-CPU; CPC-2014-1582-CA; ENV-2017-433-EIR

Recommended by the City Planning Commission on September 23, 2021

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RESOLUTION

A RESOLUTION OF THE COUNCIL OF THE CITY OF LOS ANGELES, CERTIFYING ENVIRONMENTAL IMPACT REPORT STATE CLEARINGHOUSE (SCH) No. 2017021024 (ENV-2017-433-EIR) AS RELATED TO THE UPDATE TO THE DOWNTOWN COMMUNITY PLAN, AN AMENDMENT TO THE LAND USE ELEMENT OF THE GENERAL PLAN; ADOPTING FINDINGS OF FACT PURSUANT TO PUBLIC RESOURCES CODE SECTION 21081(a), APPROVING A MITIGATION MONITORING PLAN, ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS; AND ADOPTING THE UPDATE TO THE DOWNTOWN COMMUNITY PLAN, AN AMENDMENT TO THE LAND USE ELEMENT OF THE GENERAL PLAN, TO THE FRAMEWORK ELEMENT, AND TO THE MOBILITY PLAN 2035.

WHEREAS, the Central City Community Plan was adopted by the City Council in 2003 and the Central City North Community Plan was adopted by the City Council in 2000 and while both were amended in 2016 to make them consistent with the Mobility Plan 2035 and by limited amendments through the Periodic Plan Review Program, neither have been subject to comprehensive updates since adoption; and

WHEREAS, the Department of City Planning has prepared a comprehensive update to the Central City Community Plan and the Central City North Community Plan which consists of all of the following:

- (1) A boundary change to combine the two community plans into one community plan area, known as the Downtown Community Plan area;
- (2) Amendments to the General Plan Land Use Map, referred to as the Downtown Community Plan General Land Use Map;
- (3) A new Downtown Community Plan policy document;
- (4) Amendments to the Framework Element and Mobility Plan 2035 for consistency with the new Downtown Community Plan;
- (5) Zoning ordinances to implement the Downtown Community Plan:
 - a. Proposed New Zoning Code for the Downtown Community Plan Area;
 - b. Proposed Zone Changes to the City of Los Angeles Zoning Map;
 - c. Proposed Downtown Community Plan Implementation Overlay District,
 - d. Proposed Pipeline Parking Alignment Ordinance,
 - e. Proposed Community Plan Consolidation Ordinance
 - f. Proposed removal of the Downtown Design Guide and
 - g. Proposed removal of the Bunker Hill Specific Plan,
 - h. Proposed amendments to the River Improvement Overlay (RIO);
 - i. Proposed Amendments to the Greater Downtown Housing Incentive Ordinance;
- (6) Other Ordinances to implement a community benefit program in the CPIO:
 - a. Proposed Downtown Community Benefits Fee Ordinance;
 - b. Proposed Downtown Community Benefits Trust Fund Ordinance;
 - c. Proposed Downtown Affordable Housing Trust Fund Ordinance;

which, will hereinafter be collectively referred to as “Proposed Project” unless specifically identified otherwise; and

WHEREAS, the Department of City Planning has prepared amendments to the boundaries of the Central City and Central City North Community Plans to establish the Downtown Community Plan, reducing the number of Community Plans from 35 to 34.

(1) All references in any General Plan Element to the number of Community Plans or Community Plan Areas in the City shall be amended as follows: "35 Community Plans" shall be deleted and replaced with "34 Community Plans" and "35 planning areas" shall be deleted and replaced with "34 planning areas."

(2) All references in any General Plan element to the Central City Community Plan or the Central City North Community Plan shall be amended to refer to the Downtown Community Plan, including clarifying the specific boundaries of the Downtown Community Plan; and

WHEREAS, a notice of public hearing on the Proposed Project was published in the “Daily Journal” on November 12, 2020, and notice was mailed to property owners and occupants on November 6, 2020 in accordance with LAMC Sections 11.5.6 and 12.32 C.4; and

WHEREAS, hearing officers of the Planning Department, as representatives of the City Planning Commission, pursuant to Los Angeles Municipal Code (LAMC) Section 11.5.6 C.1 and 12.32 C.2, held a public hearing regarding the Proposed Project on December 8, 2020 and made a report and recommendation to the City Planning Commission; and

WHEREAS, the City Planning Commission conducted a public hearing on June 17, 2021, and considered all evidence, both oral and written, made at the June 17, 2021 hearing, and the previous December 8, 2020 hearing, including but not limited to the Staff Report of the City Planning Department, including exhibits and appendices, which included the recommendations of the Director, and testimony, documents, and exhibits or attachments, submitted by interested parties, including other state and local agencies; and

WHEREAS, at the completion of the September 23rd, 2021 public hearing, the City Planning Commission recommended the City Council approve the Proposed Project with the modifications attached to the City Planning Commission's Letter of Determination, dated September 2022.

WHEREAS, the City Council finds the Proposed Project reflects changes in land use policies that have occurred in the community since the current Central City and Central City North Community Plans and their implementing ordinances, were adopted; and

WHEREAS, the City Council has reviewed and considered the Final Environmental Impact Report (FEIR) No. ENV-2017-433-EIR and the whole of the administrative record in its determination of adopting the Proposed Project; and

WHEREAS, pursuant to the City Charter Section 555 and LAMC Section 11.5.6, the Mayor and the City Planning Commission have transmitted their recommendations to the City Council.

NOW, THEREFORE, BE IT RESOLVED, AS FOLLOWS:

1. Recitals. The foregoing recitals are true and correct and incorporated herein by reference.
2. Findings. The City Council has reviewed the City Charter, General Plan and Municipal Code findings of the Los Angeles City Planning Commission and adopts these findings as the findings of the City Council.
3. CEQA Certification and Findings.
 - (a) Contents of FEIR. Pursuant to CEQA Guidelines Section 15132, the Final Environmental Impact Report (FEIR), which is attached hereto and incorporated herein by this reference, includes the Draft EIR SCH No. 2017021024 (ENV-2017-433-EIR), dated August 6, 2020, the Draft EIR appendices, and the document titled "Final EIR" dated September 2022, including all its related appendices and attachments.
 - (b) EIR Certification. The City Council certifies:
 - (1) The FEIR has been completed in compliance with CEQA;
 - (2) The FEIR was presented to the City Council and that the City Council has reviewed and considered the information contained in the FEIR prior to approval of the Proposed Plan, and all of the information contained therein has substantially influenced all aspects of the decision by the City Council; and
 - (3) The FEIR reflects the City Council's independent judgement and analysis.
 - (c) Mitigation Monitoring. The Mitigation Monitoring Program (MMP) set forth in Exhibit 1 to this resolution, which is attached hereto and incorporated herein by this reference, is adopted to ensure that all mitigation measures described in the MMP are fully implemented. The City Council finds all of the mitigation measures in the MMP are feasible.
 - (d) CEQA Findings. The Council, in its independent judgement, based on the whole of the administrative record, adopts all of the findings in the EIR Findings set forth in Exhibit 2 to this Resolution, which are attached hereto and incorporated herein by this reference. In adopting the EIR Findings, the Council ratifies, adopts, and incorporates the analysis and explanation in the FEIR, and ratifies, adopts, and incorporates in these findings the determinations and conclusions in the FEIR relating to environmental impacts and mitigation measures.
 - (e) Statement of Overriding Considerations. The City Council adopts the Statement of Overriding Considerations attached at Exhibit 2 to this Resolution, which is attached hereto and incorporated herein by reference. The City Council finds that each listed Proposed Project benefit identified in the Statement of Overriding Considerations provides a separate and independent ground for its approval of the Proposed Project

and overrides all of the identified significant and unavoidable impacts of the Proposed Project.

- (f) Location and Custodian of Documents. The record of approval of the Proposed Project shall be kept in the office of the City Clerk, City of Los Angeles, City Hall, 200 North Spring Street, Los Angeles, California 90012 which shall be held by the City Clerk as the custodian of the documents; all other record of proceedings shall be kept with the Department of City Planning and the Director of the Department of City Planning shall be the custodian of the documents.
 - (g) Notice of Determination. The Director of the Department of City Planning is directed to file a Notice of Determination as required by the Public Resources Code and CEQA Guidelines.
- 4. General Plan Amendments. The City Council approves the proposed General Plan text and map amendments found in Council File No. 22-0617, as recommended by the City Planning Commission on September 23rd, 2021, and by the Mayor on _____, to:
 - (a) the Downtown Community Plan (Land Use Element); (b) the Framework Element; and
 - (c) the Mobility Plan 2035 (Circulation Element).
 - 5. Reversion to Prior Community Plan. Unless otherwise provided by action of the City Council, to the extent the Downtown Community Plan Update is enjoined (in whole or in part, permanently or temporarily), or set aside by court order, the Central City and Central City North Community Plans shall, by operation of law, be revived and continue in full force and effect, until such time as the injunction is dissolved, the court order is set aside, and/or until further action of the City Council.
 - 6. Operative Date. To ensure the City's zoning ordinances are in conformity with the General Plan, this resolution shall be operative upon the adoption by the City Council of the following implementing ordinances found in Council File No. 22-0617: Adoption of the New Zoning Code for the Downtown Community Plan area, and zone changes to the City Zoning Map;
Attachments:
 - 1 – Exhibit __ MMP
 - 2 – Exhibit __ CEQA Findings of Fact and Statement of Overriding Considerations

DOWNTOWN COMMUNITY PLAN UPDATE / NEW ZONING CODE FOR DOWNTOWN COMMUNITY PLAN

Final Environmental Impact Report

CEQA Findings of Facts and Statement of Overriding Considerations

SCH NO. 2017021024

LA CITY EIR NO. ENV-2017-433-EIR

CASE NO. CPC-2017-432-CPU; CPC-2014-1582-CA

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SECTION 1 – INTRODUCTION

California Environmental Quality Act (CEQA) – The following Findings of Facts (Findings) have been prepared for the Downtown Community Plan Update (“Downtown Plan”) / New Zoning Code for Downtown Community Plan (“New Zoning Code”) (Proposed Project), for which an environmental impact report (EIR) was prepared pursuant to California Environmental Quality Act (CEQA) (California Public Resources Code [PRC] Section 21000, et seq.). Approval of a project with significant impacts requires that findings be made by the lead agency pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091 of the State CEQA Guidelines (California Code of Regulations [CCR] Title 14, Division 6, Chapter 3).

PRC Section 21081 provides:

Pursuant to the policy stated in Sections 21002 and 21002.1, no public agency shall approve or carry out a project for which an environmental impact report has been certified which identifies one or more significant effects on the environment that would occur if the project is approved or carried out unless both of the following occur:

(a) The public agency makes one or more of the following findings with respect to each significant effect:

(1) Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.

(2) Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.

(3) Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.

(b) With respect to significant effects which were subject to a finding under paragraph (3) of subdivision (a), the public agency finds that specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects on the environment.

CEQA Guidelines Section 15091(a) provides:

(a) No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:

(1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.

(2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

(3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.

SECTION 2 - FINDINGS

Unless specified otherwise, references to the EIR for the Proposed Project in this document includes the Draft EIR and the Final EIR, including this Findings document.

Based on all the information and evidence in the administrative record, the City Council of the City of Los Angeles hereby makes the following Findings of Fact:

A. General Findings

EIR Findings

The Council ratifies, adopts, and incorporates the analysis and explanations in the EIR (inclusive of the Draft EIR and the Final EIR), and ratifies, adopts, and incorporates in these findings, all of the determinations and conclusions in the EIR relating to environmental impacts, mitigation measures, and alternatives.

RESPONSES TO COMMENTS

The City evaluated comments on the environmental issues received from persons who reviewed the Draft EIR. In accordance with CEQA, the City prepared written responses describing the disposition of significant environmental issues raised. The Final EIR provides adequate, good faith and reasoned responses to the comments. The City Council reviewed the comments received and the responses thereto and has determined that neither the comments received nor the responses to such comments add significant new information as defined by CEQA Guidelines Section 15088.5. The City Council finds that all information added to the EIR after public notice of the availability of the Draft EIR for public review but before certification merely clarifies, amplifies, or makes insignificant modifications to an adequate EIR and does not require recirculation. The City Council has based its actions on a full evaluation of all comments in the record of proceedings, concerning the environmental impacts identified and analyzed in the EIR.

SUBSTANTIAL EVIDENCE

The City Council finds and declares that substantial evidence for each and every Finding made herein is contained in the EIR and other materials found in the record of proceedings. Moreover, the City Council finds that where more than one reason exists for any Finding, the City Council finds that 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 THE EIR

These Findings are based on the most current information available. Accordingly, to the extent there are any apparent conflicts or inconsistencies between the Draft EIR and the Final EIR, on the one hand, and these Findings, on the other, these Findings shall control over the Draft EIR and the Final EIR or both, as the case may be. The EIR is hereby amended as set forth in these Findings. Corrections or information that has been added to the Draft EIR as part of the preparation of the Final EIR, including modifications to the mitigation measures to mirror the language in the Environmental Protection Measures are described in detail in Chapter 10, Revisions, Clarifications and Corrections to the Draft EIR.

B. Findings for Environmental Impacts Found to be Significant and Unavoidable

The Proposed Project would result in significant and unavoidable impacts after implementation of any feasible mitigation measures identified in the EIR. For each of the significant and unavoidable impacts, the City adopts one or more of the following findings as identified below:

Finding 1: Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Finding 2: Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

Finding 3: Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR.

AIR QUALITY

Cumulative Increase

The following findings are for the Proposed Project impacts and cumulative impacts.

Description of Significant Effect(s)

The Downtown Plan component of the Proposed Project will have significant unavoidable project and cumulative impacts related to a cumulatively considerable net increase of criteria pollutants for which the region is in non-attainment under an applicable federal or state ambient air quality standard (NO_x, PM_{2.5}, and PM₁₀), including releasing emissions that exceed quantitative thresholds for ozone precursors (NO_x and VOC) (see Draft EIR pages 4.2-21 to 30 and 4.2-37 to 38). Specifically, the Downtown Plan would result in significant unavoidable impacts related to construction of development projects from NO_x, PM_{2.5}, and PM₁₀ emissions, and related to operation of development projects for VOC, PM_{2.5}, and PM₁₀.

Adopted Mitigation Measure(s)

To mitigate the above-described significant impacts, the City adopted the following mitigation measure in the Mitigation and Monitoring Plan (MMP):

- 4.2-2

Finding(s)

The City adopts the following findings for the above-described significant impacts:

- Finding 1
- Finding 3

Rationale for Finding

Implementation of Mitigation Measure **4.2-2** would reduce construction-related impacts from the Downtown Plan associated with the cumulatively considerable net increase of criteria pollutants.

Construction Impacts - Mitigation

Mitigation Measure **4.2-2** would require best management practices, including dust control compliance with SCAQMD Rule 403, equipment maintenance, limiting vehicle idling and notification signs, non-diesel fueled electrical power, and routes for on-road haul trucks, in construction specifications for any project within the Plan Area that involves construction-related activity. Mitigation Measure 4.2-2 would reduce regional and local emissions generated by various construction activities, including equipment operation, truck trips, and painting. For construction impacts, the use of Tier 4 equipment would result in a 50 to 90 percent reduction in NOX and PM emissions from diesel-powered off-road construction equipment relative to Tier 3 engines, which are typically used as the industry standard. Requiring engines meeting Tier 4 emissions standards is becoming more common as the equipment is more widely available and would reduce emissions for some construction projects that would otherwise have significant impacts based on SCAQMD thresholds to a less than significant level. Los Angeles County Metropolitan Transportation Authority (LACMTA, or “LA Metro”) already requires the use of Tier 4 engines in all their construction projects. However, on-road heavy-duty haul trucks are not regulated under the same off-road emissions standards and the City cannot legally require all construction-related on-road trucks operating within City limits to adhere to more stringent engine emissions standards. No other feasible mitigation measures were identified to reduce construction related emissions.

Operation Impacts - Mitigation

No feasible mitigation measures are available to reduce long-term VOC, PM₁₀, and PM_{2.5} emissions associated with implementation of the Downtown Plan to below SCAQMD thresholds. The use of consumer products is the predominant contributor to operational VOC emissions for the Downtown Plan. The use of consumer products varies

considerably by land use type, and the City does not have any regulatory authority to mandate or monitor the VOC content of consumer products used within the Plan Area. The VOC content of various consumer products is regulated by CARB at the state level through the Consumer Products Program. CARB will enforce progressively more stringent VOC content regulations on consumer products sold in the state between 2016 and the analysis horizon year of 2040 through the Consumer Products Program. To achieve the South Coast Air Basin VOC reductions that were committed to in the Air Quality Management Plan (AQMP), CARB is proposing to reduce VOC content limits on manual aerosol air fresheners from an existing VOC content standard of 20 to 30 percent down to five percent (approximately 80 percent reduction), a limit on personal fragrance products from an existing VOC content standard of 75 percent down to 50 percent (approximately one-third reduction), and limits on aerosol crawling bug insecticide from an existing VOC content standard of 15 percent down to six percent (approximately 60 percent reduction). However, even with those regulations, operational VOC emissions could still exceed the SCAQMD significance thresholds. No other mitigation measures have been identified that could replace potential significant impacts related to VOC emissions. No mitigation measures were identified to reduce PM_{2.5} or PM₁₀ emissions, that would generally be associated with brake and tire wear, from operations. While the Proposed Project would reduce average VMT, the Downtown Plan cannot regulate use of vehicles or standards for vehicles, which are regulated by the State and federal governments.

Alternatives

None of the alternatives studied in the EIR would reduce significant impacts related to cumulative criteria pollutant emissions to a less than significant level. Alternatives 1, 2, and 4 would reduce all the cumulative operational impacts compared to the Downtown Plan, but not to a less than significant level, Alternatives 3 and 4 would have a greater level of cumulative criteria pollutant emission impacts, and Alternatives 1, 2, 3, and 4 would have a similar level of cumulative construction impacts as the Downtown Plan. As discussed below in Section 2(E), the City rejects Alternatives 1, 2, 3, and 4.

Conclusion

No additional feasible mitigation measures or alternatives were identified to reduce the significant impacts related to criteria pollutants from construction and operation of development accommodated under the Downtown Plan.

The City finds that changes or alterations have been required in, or incorporated into, the Proposed Project that substantially lessen the significant impact associated with construction emissions of non-attainment criteria pollutants. However, it is reasonable to assume that the Downtown Plan could generate emissions exceeding the significance thresholds related to criteria pollutants despite implementation of Mitigation Measure 4.2-2. No feasible mitigation measures were identified to reduce operational emissions of non-attainment criteria pollutants. Impacts related to the cumulatively considerable net increase of criteria pollutants for which the region is non-attainment will be significant and unavoidable.

Based on the above, specific economic, legal, social, technological, or other considerations make it infeasible to apply mitigation measures or project alternatives in a manner that would reduce Downtown Plan project and cumulative construction and operational emissions of non-attainment criteria pollutants to a less than significant level.

Substantial Pollutant Concentrations – Sensitive Receptors (Operation)

The following findings are for the Proposed Project impacts and cumulative impacts.

Description of Significant Effect(s)

The Downtown Plan component of the Proposed Project will have significant unavoidable project and cumulative impacts related to the exposure of sensitive receptors to substantial toxic air contaminant (TAC) emissions from truck trips associated with operation of distribution centers that could be accommodated in certain portions of the Downtown Plan Area (see Draft EIR pages 4.2-30 to 35 and 4.2-38).

Adopted Mitigation Measure(s)

To mitigate the above-described significant impacts, the City adopted the following mitigation measure in the MMP:

- 4.2-3

Finding(s)

The City adopts the following findings for the above-described significant impacts:

- Finding 1
- Finding 3

Rationale for Finding

Mitigation

Implementation of Mitigation Measure **4.2-3** would reduce operational impacts associated with distribution centers to the degree feasible. Mitigation Measure **4.2-3** would require health risk assessments (HRAs), per SCAQMD and Office of Environmental Health Hazard Assessment guidance, for distribution center applicants in the Downtown Plan Area within 1,000 feet of sensitive land uses that require discretionary permits and would accommodate more than 100 truck trips or 40 transport refrigeration units (TRUs) per day to identify the potential for cancer and non-cancer health risks. If cancer risks exceeding SCAQMD standards are identified, the applicant would identify ways to reduce risks, including limiting the number of trucks/TRUs, locating distribution center entry and exit points as far as possible from sensitive land uses, and routing truck traffic away from sensitive land uses. However, it cannot be determined with certainty that distribution centers in the Downtown Plan Area would not result in health risks exceeding SCAQMD standards without site specific details.

Alternatives

None of the alternatives studied in the EIR would reduce significant impacts related to the exposure of sensitive receptors to substantial TAC emissions associated with operation of distribution centers to a less than significant level. Alternatives 1, 2, and 3 would have a similar level of operational impacts associated with distribution centers as the Downtown Plan and Alternative 4 would have a greater level of operational impacts. As discussed below in Section 2(E), the City rejects Alternatives 1, 2, 3, and 4.

Conclusion

No additional feasible mitigation measures or alternatives were identified to reduce the significant impacts related to the exposure of sensitive receptors to substantial TAC emissions associated with operation of distribution centers.

The City finds that changes or alterations have been required in, or incorporated into, the Proposed Project that substantially lessen the significant impact associated with operation of distribution centers. However, it is reasonable to assume, without site and operational specific details, that the Downtown Plan could result in impacts to sensitive receptors that exceed SCAQMD standards despite implementation of Mitigation Measure 4.2-3. Project and cumulative impacts from the Downtown Plan component of the Proposed Project related to the exposure of sensitive receptors to substantial TAC emissions associated with operation of distribution centers will be significant and unavoidable.

Based on the above, specific economic, legal, social, technological, or other considerations make it infeasible to apply mitigation measures or project alternatives in a manner that would reduce Downtown Plan project and cumulative operational impacts associated with distribution centers to a less than significant level.

CULTURAL RESOURCES

Historical Resources

The following findings are for Proposed Project impacts and cumulative impacts.

Description of Significant Effects

The Downtown Plan component of the Proposed Project will have significant unavoidable project and cumulative impacts related to the substantial adverse change in or disturbance of historical resources (see Draft EIR pages 4.4-37 to 43 and 4.4-48).

Adopted Mitigation Measure(s)

No feasible mitigation measures were identified that could reduce the significant impacts to historical resources.

Finding:

The City adopts the following finding for the above-described significant impacts:

- Finding 3

Rationale for Finding

Existing designated historical resources in the Plan Area are unlikely to be lost based on existing City regulations for historical resources, but it is possible that future applicants may demolish or substantially alter designated or eligible resources as part of new projects. There is no process, including a CEQA process, that would ensure that historical resources would not be lost over the course of the twenty-year plan horizon from future development allowed under the Downtown Plan. No feasible mitigation measures have been identified that could reduce potentially significant impacts to historical resources. Despite the Downtown Plan's efforts to preserve historical resources through policies and regulations and the transfer of development rights program in the Downtown Community Plan Implementation Overlay (CPIO) in Appendix G, applicable policies and programs cannot fully prevent the potential loss or alteration of historical resources.

If a future individual discretionary project has the potential for an impact to a designated historical resource that cannot be mitigated, environmental review would be required. The Department of City Planning (DCP) will continue to require and conduct project-specific CEQA review to evaluate potential impacts to designated and potentially eligible historical resources as discretionary planning approvals are expected within the Plan Area and throughout the city. If it is determined that a project subject to the Cultural Heritage Ordinance or Historic Preservation Overlay Zone Ordinance or identified by the Cultural Heritage Commission (CHC) or the Office of Historic Resources (OHR) could result in loss or damage to a designated historical resource, the City would be required to conduct a CEQA analysis before approving the project. If impacts are determined to be significant, feasible mitigation measures and alternatives would to be identified and implemented, as appropriate, to reduce the significant impacts. If there is no feasible mitigation measure or alternative to avoid the significant impact, the City will be required to adopt a statement of overriding consideration under CEQA Guidelines Section 15093. In instances where demolition is proposed for a Historic-Cultural Monument (HCM), an additional report regarding the structural soundness of the building or structure and its suitability for continued use, renovation, restoration or rehabilitation from a licensed engineer or architect who meets the Secretary of the Interior's Professional Qualification Standards would be required.

The Downtown Plan's CPIO includes mandatory procedural requirements for discretionary and certain ministerial projects located in CPA areas identified as Subarea D in the CPIO (Appendix G) to ensure that work done to a building or site that is an Eligible Historic Resource, is done in a manner that would not compromise its eligibility, or that appropriate steps are taken in compliance with CEQA for potential impacts to historical resources. Projects that do not comply with the Secretary of the Interior's Standards for Rehabilitation would be required to undergo discretionary approval and would be subject to CEQA. Additionally, whenever demolition, or substantial interior demolition is proposed for a "contributing" structure within a designated National Register Historic District or Historic Preservation Overlay Zone, substantial findings must be made as to the economic viability of maintaining the existing structure. In addition, the mandatory Form and Frontage District requirements under the New Zoning Code (Appendix P) are

customized to reinforce the identity of historic and cultural neighborhoods within the Plan Area. The CPIO also includes a set of design best practices (CPIO, Appendix C – Historic Cultural Neighborhoods Best Practices) which offer qualitative design guidance to encourage context sensitive building design. They serve as advisory “best practices”, and are intended to complement, on a voluntary basis, the numerous mandatory development standards.

Despite the Downtown Plan’s inclusion of policies and zoning regulations, including the Transfer of Development Rights program in the Downtown CPIO, and the Downtown Adaptive Reuse Program, that seek to incentivize preservation of existing buildings, the potential loss or alteration of historical resources cannot be fully prevented.

As a policy matter, requiring additional review, regulations, or processes to projects involving historical resources than those described above is undesirable based on the requirements it would place on City resources and the delay it would result for projects and housing production. Creating additional processes would require an undesirable allocation of staff resources that are not available at this time and additional review and regulations for development projects that provide community, including mixed-income and 100 percent affordable housing projects, are not desired. Such burdens would not result in an efficient use of City resources or desirable land use outcomes. Applying staff resources to that would take those resources from other more desirable policy efforts, including those that will result in affordable housing, such as other community plan updates, and protections of the environment, such as the Wildlife Study, or the processing of other desirable and urgently needed development projects that provide housing or new jobs. To hire more staff would require passing those costs on to new development and putting more costs on desirable and needed development that produces housing or jobs or allocating general funds that are needed for more important public health, safety, and welfare needs. Therefore, additional mitigation measures are not feasible.

Alternatives

None of the alternatives studied in the EIR would reduce significant impacts related to historical resources to a less than significant level. Alternative 1 would have a reduced level of impacts on historical resources compared to the Downtown Plan, but impacts would not be reduced to a less than significant level, Alternative 2 would have a similar level of impacts as the Downtown Plan, and Alternatives 3 and 4 would have a greater level of impacts on historical resources. As discussed below in Section 2(E), the City rejects Alternatives 1, 2, 3, and 4.

Conclusion

No feasible alternatives or mitigation measures were identified to reduce impacts related to historical resources from the Downtown Plan to less than significant.

Based on the above, specific economic, legal, social, technological, or other considerations make it infeasible to apply mitigation measures or project alternatives in a manner that would reduce Downtown Plan and cumulative impacts to historical resources to a less than significant level.

NOISE

Temporary Increase in Noise Levels

The following findings are for the Proposed Project impacts and cumulative impacts.

Description of Significant Effect(s)

The Downtown Plan component of the Proposed Project will have significant unavoidable project and cumulative impacts related to temporary increases in ambient noise levels at sensitive receiver locations from associated construction activity (see Draft EIR pages 4.11-16 to 25 and 4.11-31 to 32).

Adopted Mitigation Measure(s)

To mitigate the above-described significant impacts, the City adopted the following mitigation measure in the MMP:

- 4.11-1(a)
- 4.11-1(b)
- 4.11-1(c)
- 4.11-1(d)
- 4.11-1(e)
- 4.11-1(f)

Finding(s)

The City adopts the following findings for the above-described significant impacts:

- Finding 1
- Finding 3

Rationale for Finding

Mitigation

Implementation of Mitigation Measures **4.11-1(a)**, **4.11-1(b)**, **4.11-1(c)**, **4.11-1(d)**, **4.11-1(e)**, and **4.11-1(f)** would reduce temporary construction noise for projects within the Downtown Plan Area to the extent feasible. For any project whose earthwork or construction activities involve the use of construction equipment and require a permit from the Department of Building and Safety (LADBS); are located within 500 feet of Noise-Sensitive Uses; and have two or more subterranean levels, 20,000 cubic yards or more of excavated material, simultaneous use of five or more pieces of construction equipment, construction duration (excluding architectural coatings) of 18 months or more, or construction activities involving impact pile driving or the use of 300 horsepower equipment, Mitigation Measure

4.11-1(a) would require preparation of a Noise Study by a qualified noise expert prior to obtaining any permit from LADBS.

For any project whose earthwork or construction activities involve the use of construction equipment and require a permit from LADBS, power construction equipment shall be equipped with noise shielding and muffling devices (i.e., Mitigation Measure **4.11-1(b)**), all outdoor mechanical equipment (e.g., generators, compressors) shall be enclosed or visually screened (i.e., Mitigation Measure **4.11-1(d)**), and construction staging areas shall be located as far from Noise-Sensitive Uses as reasonably possible and technically feasible (i.e., Mitigation Measure **4.11-1(e)**).

Additionally, for any project with both earthwork and construction activities that involve the use of construction equipment and require a permit from LADBS, Mitigation Measure **4.11-1(c)** would prohibit driven (impact) pile systems, except in locations where the underlying geology renders drilled piles, sonic, or vibratory pile drivers infeasible.

Any project whose construction activities are located within a line of sight to and within 500 feet of Noise-Sensitive Uses, with the exception of projects limited to the construction of 2,000 square feet or less of floor area dedicated to residential uses, and whose earthwork and construction activities involve the use of construction equipment and require a permit from LADBS, would be required to erect noise barriers, such as temporary walls or sound blankets, that are a minimum of eight feet tall between construction activities and Noise-Sensitive Uses as reasonably possible and technically feasible (i.e., Mitigation Measure **4.11-1(f)**). However, noise generated by construction could still exceed the 75 dBA standard in Los Angeles Municipal Code Section 112.05. Since compliance with all City standards cannot be assured for all construction projects, construction noise at various sensitive land uses could result in significant impacts. Additionally, based on peculiar site or project conditions or characteristics, significant impacts related to temporary increases in ambient noise may occur even with imposition of Mitigation Measures **4.11-1(a)**, **4.11-1(b)**, **4.11-1(c)**, **4.11-1(d)**, **4.11-1(e)**, and **4.11-1(f)** or imposition of the mitigation measure may be infeasible. No other feasible mitigation measures were identified to reduce significant impacts from construction activities.

Alternatives

None of the alternatives studied in the EIR would reduce significant impacts related to temporary construction noise to a less than significant level. Alternatives 1 and 2 would have a reduced level of impacts on temporary construction noise compared to the Downtown Plan, but not to a less than significant level, and Alternatives 3 and 4 would have a greater level of impacts on temporary construction noise. As discussed below in Section 2(E), the City rejects Alternatives 1, 2, 3, and 4.

Conclusion

No additional feasible mitigation measures or alternatives were identified to reduce significant impacts related to temporary construction noise.

The City finds that changes or alterations have been required in, or incorporated into, the Proposed Project that substantially lessen the significant impact associated with temporary construction noise. However, it is reasonable to assume that the mitigation measures would not eliminate all potential impacts related to temporary increases to ambient noise from construction noise. Downtown Plan and cumulative impacts related temporary increases to ambient noise from construction noise will be significant and unavoidable.

Based on the above, specific economic, legal, social, technological, or other considerations make it infeasible to apply mitigation measures or project alternatives in a manner that would reduce Downtown Plan and cumulative impacts related to temporary increases to ambient noise from construction noise to a less than significant level.

Temporary Increase in Groundborne Vibration

The following findings are for the Proposed Project impacts and cumulative impacts.

Description of Significant Effect(s)

The Downtown Plan component of the Proposed Project will have significant unavoidable project and cumulative impacts related to temporary groundborne vibration or groundborne noise (collectively “groundborne vibration”) during construction of reasonably foreseeable development under the Proposed Project that could result in building damage or human annoyance (see Draft EIR pages 4.11-25 to 29 and 4.11-32).

Adopted Mitigation Measure(s)

To mitigate the above-described significant impacts, the City adopted the following mitigation measures in the MMP:

- 4.11-2(a)
- 4.11-2(b)
- 4.11-2(c)

Finding(s)

The City adopts the following findings for the above-described significant impacts:

- Finding 1
- Finding 3

Rationale for Finding

Mitigation

Although most construction activities located in the Downtown Plan Area are not anticipated to have significant vibration impacts, it is possible that some development projects under the Proposed Project could have significant vibration impacts during construction. This would most commonly occur when a development project would be

located next to a historical resource constructed of fragile building materials, which is more sensitive to vibration damage than structures that were built based on more recent building codes. Mitigation Measure **4.11-2(a)** would reduce vibration impacts for any project, with the exception of projects limited to the construction of 2,000 square feet or less of floor area dedicated to residential uses, whose earthwork or construction activities (1) involve the use of construction equipment that produces 0.12 PPV or more of vibration at a distance of 25 feet, (2) require a permit from LADBS, and (3) which occur within 25 feet of any building extremely susceptible to vibration damage, designated or determined to be a historic resource pursuant to local or state law or determined to be potentially eligible for historic designation in a historical resources survey; or within 15 feet of non-engineered timber and masonry buildings. Mitigation Measure **4.11-2(a)** would also reduce vibration impacts for any project whose construction activities involve the use of pile drivers within 135 feet of any building extremely susceptible to vibration damage or a building that is designated or determined to be a historical resource pursuant to local or state law or that is determined to be potentially eligible for historic designation in a historical resources survey. Implementation of Mitigation Measure **4.11-2(a)** for these types of projects would require a qualified structural engineer to prepare a survey establishing baseline structural conditions of potentially affected structures and a Vibration Control Plan, which would include methods to minimize vibration, prior to demolition, grading/excavation, or construction. Additionally, Mitigation Measure **4.11-2(b)** would require the City to notify developers of all other projects not subject to Mitigation Measure **4.11-2(a)** about best management practices to reduce damage to vibration-sensitive uses. In the event of damage to any non-historical building due to construction vibration, Mitigation Measure **4.11-2(c)** would require a qualified structural engineer to prepare a letter describing the damage to the impacted building(s) and recommendations for repair within 60 days of the time when damage occurred. If vibration damage occurs to any building that is designated or determined to be a historical resource pursuant to local or state law or that is determined to be potentially eligible for historic designation in a historical resources survey, Mitigation Measure **4.11-2(c)** would require a qualified historian to prepare a letter describing the damage to the impacted building(s) and recommendations for repair within 60 days of the time when damage occurred. It is anticipated that Mitigation Measure **4.11-2(a)** would substantially reduce/control construction vibration but may not be able to fully avoid vibration that would damage a historical resource or a building of fragile construction. Additionally, Mitigation Measure **4.11-2(b)**, which provides notice to applicants about best practices to avoid damage from pile drivers, would foreseeably limit vibration levels at other buildings that are not historical or fragile properties. No other feasible mitigation measures were identified to reduce significant impacts related to construction vibration impacts.

Alternatives

None of the alternatives would reduce significant impacts related to temporary groundborne vibration during construction to a less than significant level. Alternative 1 would have a reduced level of impacts on temporary groundborne vibration compared to the Downtown Plan, but not to a less than significant level, Alternatives 2 and 3 would have a similar level of impacts as the Downtown Plan, and Alternative 4 would have a greater level of impacts

related to temporary groundborne vibration. As discussed below in Section 2(E), the City rejects Alternatives 1, 2, 3, and 4.

Conclusion

No additional feasible mitigation measures or alternatives were identified to reduce significant impacts related to temporary groundborne vibration during construction.

The City finds that changes or alterations have been required in, or incorporated into, the Proposed Project that substantially lessen the significant impact associated with temporary groundborne vibration during construction. However, it is reasonable to assume that the mitigation measures would not eliminate all potential significant impacts to temporary groundborne vibration. Downtown Plan and cumulative impacts related to temporary groundborne vibration during construction will be significant and unavoidable.

Based on the above, specific economic, legal, social, technological, or other considerations make it infeasible to apply mitigation measures or project alternatives in a manner that would reduce Downtown Plan and cumulative impacts related to groundborne vibration during construction to a less than significant level.

RECREATION

Existing Regional Parks or Recreation Facilities

The following findings are for the Proposed Project impacts and cumulative impacts.

Description of Significant Effect(s)

The Downtown Plan component of the Proposed Project will have significant unavoidable project and cumulative impacts related to physical deterioration of parks and recreational facilities. (See Draft EIR pages 4.14-7 to 10 and 4.14-13).

Adopted Mitigation Measure(s)

No feasible mitigation measures were identified that could reduce the significant impacts to parks and recreational facilities.

Finding(s)

The City adopts the following finding for the above-described significant impacts:

- Finding 3

Rationale for Finding

Several constraints limit the number and size of new park facilities constructed in the Downtown Plan Area, including a scarcity of vacant or underused land; high cost of real estate throughout the City; and competition with other

identified community priorities, such as affordable housing. The City has conducted various studies such as the *Citywide Community Needs Assessment* to address issues with recreational facilities and manage the status of current and future recreational facilities. The Plan offers incentives in the form of higher development rights for providing publicly accessible open space as part of private development and reduce demand for public parks. However, due to the lack of available space to develop new parks to serve the anticipated population growth in the Downtown Plan Area, feasible mitigation beyond the policies and initiatives included in current City policies/programs and the Proposed Project to enhance recreational opportunities is not available. Moreover, space for new parks in and around the Downtown Plan Area is limited and there is no dedicated funding to develop parks in Downtown, so it is unlikely that park demand generated by reasonably foreseeable Downtown Plan Area development can be met through construction of new parks. Suggestions that the City should re-designate more land to open space or for parks or dedicate existing Quimby or Park facilities fees to the Downtown Plan Area are not feasible as provided in response to comments, including it being undesirable to use the community plan update process to allocate limited resources for park facilities, and the re-designation of land for uses other than urgently needed housing and desirable job producing uses.

No feasible mitigation measures have been identified that would reduce significant impacts related to the deterioration of existing parks and recreational facilities. Therefore, it is reasonable to assume that implementation of the Downtown Plan would result in significant and unavoidable Project and cumulative impacts related to the deterioration of existing parks and recreational facilities.

Alternatives

None of the alternatives studied in the EIR would reduce significant impacts related to existing parks and recreational facilities to a less than significant level. Alternatives 1, 2, and 4 would have a reduced level of impacts on existing parks and recreational facilities compared to the Downtown Plan, but not to a less than significant level, and Alternatives 3 would have a greater level of impacts as the Downtown Plan. As discussed below in Section 2(E), the City rejects Alternatives 1, 2, 3, and 4.

Conclusion

No feasible mitigation or alternative was identified that would reduce significant impacts to the physical deterioration of parks and recreational facilities from the Downtown Plan to a less than significant level.

Based on the above, specific economic, legal, social, technological, or other considerations make it infeasible to apply mitigation measures or project alternatives in a manner that would reduce Downtown Plan and cumulative impacts to existing parks and recreational facilities to a less than significant level.

TRANSPORTATION

Design Feature Hazards- Ramp Queuing Safety Issues

The following findings are for the Proposed Project impacts and cumulative impacts.

Description of Significant Effect(s)

The Downtown Plan component of the Proposed Project will have significant unavoidable project and cumulative impacts related to ramp queuing safety (see Draft EIR pages 4.15-44 to 46 and 4.15-55).

Adopted Mitigation Measure(s)

No feasible mitigation measures were identified that could reduce the significant impact related to ramp queuing safety.

Finding(s)

The City adopts the following findings for the above-described significant impacts:

- Finding 3

Rationale for Finding

Potential mitigation for impacts related to ramp queuing safety may include Transportation Demand Management (TDM) strategies to reduce a project's trip generation, investments to active transportation infrastructure, or transit system amenities, and/or operational changes to the ramp terminal, such as lane reassignment, traffic signalization, signal phasing or timing modifications, etc. However, without specific information on where safety impacts may occur as a result of freeway off ramp queuing, it is not possible to identify appropriate mitigation measures. It is anticipated that subsequent land use development projects that are seeking approval under the Plan, study freeway queuing and safety impacts in more detail per the Interim Guidance for Freeway Safety Analysis. No feasible mitigation measures that can be applied to all the Plan Area that would reduce the significant impacts related to ramp queuing safety have been identified.

Alternatives

None of the alternatives studied in the EIR would reduce significant impacts related to ramp queuing safety to a less than significant level. Alternatives 1, 2, 3, and 4 would have a similar level of impacts related to ramp queuing safety as the Downtown Plan. As discussed below in Section 2(E), the City rejects Alternatives 1, 2, 3, and 4.

Conclusions

No feasible alternatives or mitigation measures were identified to reduce impacts related to freeway ramp queuing safety from the Downtown Plan to less than significant.

Based on the above, specific economic, legal, social, technological, or other considerations make it infeasible to apply mitigation measures or project alternatives in a manner that would reduce Downtown Plan and cumulative impacts related to freeway ramp queuing safety to a less than significant level.

C. Findings for Environmental Impacts Found to Be Less than Significant After Mitigation

The EIR identifies significant impacts that are reduced to a “less than significant” level by the inclusion of mitigation measures identified in the EIR.

For each of the significant impacts discussed below, the City adopts the following finding:

Finding 1: Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

AIR QUALITY

Sensitive Receptors- Construction-Related Toxic Air Contaminants

The following findings are for Proposed Project and cumulative impacts.

Description of Significant Effects

The Downtown Plan component of the Proposed Project will have a significant project and potential cumulative impact related to construction-related TAC emissions that is reduced to a less than significant level by the inclusion of Mitigation Measure **4.2-2** (see Draft EIR pages 4.2-30 to 35).

Adopted Mitigation Measure(s)

To mitigate the above-described significant impacts, the City adopted the following mitigation measure in the MMP:

- 4.2-2

Finding(s)

The City adopts the following finding for the above-described significant impacts:

- Finding 1

Rationale for Finding

Implementation of Mitigation Measure **4.2-2** would reduce TAC emissions generated by construction activities, including equipment operation. Mitigation Measure **4.2-2** would require best management practices, including dust control compliance with SCAQMD Rule 403, equipment maintenance, limiting vehicle idling and notification signs, non-diesel fueled electrical power, and routes for on-road haul trucks, in construction specifications for any project within the Plan Area that involves construction-related activity. (DEIR 4.2-33 to 34.)

Imposition of Mitigation Measure **4.2-2** would reduce impacts from the Downtown Plan component of the Proposed Project related to construction TAC emissions to a less than significant level.

Alternatives

Alternatives 1, 2, and 3 would have a similar level of construction-related TAC emissions impacts as the Downtown Plan and impacts would remain less than significant. Alternative 4 would have a greater level of impact, resulting in a significant and unavoidable impact. As discussed below in Section 2(E), the City rejects Alternatives 1, 2, 3, and 4.

Conclusions

The City finds that changes or alterations have been required in, or incorporated into, the Proposed Project that would reduce significant environmental effects associated with construction-related TAC emissions from the Downtown Plan component of the Proposed Project to a less than significant level.

BIOLOGICAL RESOURCES

Special Status Species Habitat – Active Bird Nests

The following findings are for Proposed Project impacts and cumulative impacts.

Description of Significant Effects

Construction activities from the Downtown Plan component of the Proposed Project, especially those involving tree trimming or removal of trees in areas abutting Elysian Park will have a significant project impact related to active bird nests that is reduced to a less than significant level by the inclusion of Mitigation Measures **4.3-1(a)** and **4.3-1(b)** (see Draft EIR pages 4.3-15 to 18 and 4.3-26).

Adopted Mitigation Measure(s)

To mitigate the above-described significant impacts, the City adopted the following mitigation measures in the MMP:

- 4.3-1(a)
- 4.3-1(b)
- 4.3-1(c)

Finding(s)

The City adopts the following finding for the above-described significant impacts:

- Finding 1

Rationale for Finding

Implementation of Mitigation Measures **4.3-1(a), 4.3-1(b), and 4.3-1(c)** would address impacts related to the potential disturbance of active bird nests. Mitigation Measure **4.3-1(a)** would ensure that impacts are avoided to active nests if discovered during pre-construction nesting bird survey or during construction related activities Mitigation Measure **4.3-1(c)** will ensure that active nests that may be affected by construction or ground disturbance activities in close proximity to Elysian Park are avoided. Additionally, Mitigation Measure **4.3-1(b)** would require all project applicants to include an acknowledgment of the requirement to comply with the federal Migratory Bird Treaty Act and California Fish and Game Code and of best practices recommended by a qualified biologist to avoid impacts to active nest as a result of their projects. Imposition of Mitigation Measures **4.3-1(a), 4.3-1(b) and 4.3-1(c)** would reduce Downtown Plan and cumulative active bird nest impacts to a less than significant level.

Alternatives

Alternatives 1, 2, and 3 would have a similar level of active bird nest impacts as the Downtown Plan and impacts would remain less than significant. Alternative 4 would have a greater level of impacts, resulting in a significant and unavoidable impact. As discussed below in Section 2(E), the City rejects Alternatives 1, 2, 3, and 4.

Conclusions

The City finds that changes or alterations have been required in, or incorporated into, the Proposed Project that would reduce significant environmental effects associated with the potential disturbance of active bird nests from the Downtown Plan component of the Proposed Project to a less than significant level.

CULTURAL RESOURCES

Archaeological Resources

The following findings are for Proposed Project impacts and cumulative impacts.

Description of Significant Effects

The Downtown Plan component of the Proposed Project will have a significant project impact related to a substantial adverse change in or disturbance of known or unknown archaeological resources that is reduced to a less than significant level by the inclusion of Mitigation Measures **4.4-2(a), 4.4-2(b), 4.4-2(c) and 4.4-2(d)** (see Draft EIR pages 4.4-43 to 46 and 4.4-49).

Adopted Mitigation Measure(s)

To mitigate the above-described significant impacts, the City adopted the following mitigation measures in the MMP:

- 4.4-2(a)
- 4.4-2(b)

- 4.4-2(c)
- 4.4-2(d)

Finding(s)

The City adopts the following finding for the above-described significant impacts:

- Finding 1

Rationale for Finding

Implementation of Mitigation Measures **4.4-2(a)**, **4.4-2(b)**, **4.4-2(c)** and **4.4-2(d)** would avoid significant impacts to archaeological resources and provide for recovery and/or documentation of any significant resources, including any present portions of the Zanja Madre System, that cannot be preserved in place. Mitigation Measure **4.4-2(a)** would require archaeological resources evaluations for all discretionary projects excavating previously undisturbed land or below previously excavated depths. For any project that requires a permit for grading or excavation, if a possible archaeological resource is uncovered during earthwork or construction, all work would be required to cease within a minimum distance of 50 feet from the find until a qualified archaeologist has been retained to evaluate the find (i.e., Mitigation Measure **4.4-2(b)**). The handling, treatment, preservation, and recordation of unique archaeological resources shall be in compliance with PRC Section 21083.2, and the qualified archaeologist shall prepare a report that describes the resource(s) and its disposition, as well as the assessment methodology. For all other projects not subject to Mitigation Measures **4.4-2(a)** and **4.4-2(b)** that are seeking excavation or grading permits, Mitigation Measure **4.4-2(c)** would require the LADBS to issue to the applicant a notification of intent to excavate that includes best practices to ensure archaeological resources are not damaged. If possible, segments of the Zanja System are uncovered during earthwork or construction, Mitigation Measure **4.4-2(d)**, which includes inspection by a qualified archaeologist, preparation of a memo and completion of all relevant California Department of Parks and Recreation 523 forms documenting the find, Historic American Engineering Record documentation, and specific treatments, would reduce impacts to the System to a less than significant level. Imposition of Mitigation Measures **4.4-2(a)**, **4.4-2(b)**, **4.4-2(c)** and **4.4-2(d)** would reduce Downtown Plan and cumulative archaeological resources impacts to a less than significant level.

Alternatives

Alternatives 1, 2, and 3 would have a similar level of archaeological resources impacts as the Downtown Plan and impacts would remain less than significant. Alternative 4 would have a greater level of impacts, resulting in a significant and unavoidable impact. As discussed below in Section 2(E), the City rejects Alternatives 1, 2, 3, and 4.

Conclusions

The City finds that changes or alterations have been required in, or incorporated into, the Proposed Project that would reduce significant environmental effects associated with a substantial adverse change in or disturbance of known or

unknown archaeological resources from the Downtown Plan component of the Proposed Project to a less than significant level.

GEOLOGY AND SOILS

Paleontological Resources

The following findings are for Proposed Project impacts and cumulative impacts.

Description of Significant Effects

The Downtown Plan component of the Proposed Project will have a significant project impact related to directly or indirectly destroying a unique paleontological resource or site or unique geologic feature (collectively, “paleontological resources and unique geologic features”) that is reduced to a less than significant level by the inclusion of Mitigation Measures **4.6-6(a)**, **4.6-6(b)**, and **4.6-6(c)** (see Draft EIR pages 4.6-36 to 39 and 4.6-41 to 42).

Adopted Mitigation Measure(s)

To mitigate the above-described significant impacts, the City adopted the following mitigation measures in the MMP:

- 4.6-6(a)
- 4.6-6(b)
- 4.6-6(c)

Finding(s)

The City adopts the following finding for the above-described significant impact:

- Finding 1

Rationale for Finding

Implementation of Mitigation Measures **4.6-6(a)**, **4.6-6(b)**, and **4.6-6(c)** would reduce impacts to paleontological resources and unique geologic features by ensuring that potential resources are identified and either further avoided or recovered. Mitigation Measure **4.6-6(a)** would require that for discretionary projects prior to the start of construction a paleontological – worker environmental awareness program (WEAP) should be implemented. Mitigation Measure 4.6-6(a) would also require that all discretionary projects excavating earth for two or more subterranean levels within previously undisturbed land or below previously excavated depths within native soils use reasonable methods, including surveys and searches of databases and records, to determine the potential that paleontological resources are present on the project site. If there is a medium to high potential that paleontological resources are located on the project site and it is possible that these resources would be impacted, monitoring would be conducted for all excavation, grading or other ground disturbance activities to identify any resources and avoid potential impacts to such resources. Additionally, if a probable paleontological resource is uncovered during earthwork or construction

activities for any project, Mitigation Measure **4.6-6(b)** would require all work to cease within a minimum distance of 50 feet from the find until a qualified paleontologist has been retained to evaluate the find. Found resources shall be treated in accordance with the Society of Vertebrate Paleontology's Standard Procedures and the qualified paleontologist shall prepare a report that describes the resource and its disposition, as well as the assessment methodology. For all projects not subject to Mitigation Measure **4.6-6(a)** that require excavation or grading permits, Mitigation Measure **4.6-6(c)** would require the LADBS to issue to the applicant a notification of intent to excavate that includes best practices to ensure paleontological resources are not damaged. Imposition of Mitigation Measures **4.6-6(a)**, **4.6-6(b)**, and **4.6-6(c)** would reduce Downtown Plan and cumulative paleontological resources and unique geologic features impacts to a less than significant level.

Alternatives

Alternatives 1, 2, and 3 would have a similar level of paleontological resources and unique geologic features impacts as the Downtown Plan and impacts would remain less than significant. Alternative 4 would have a greater level of impacts, resulting in a significant and unavoidable impact. As discussed below in Section 2(E), the City rejects Alternatives 1, 2, 3, and 4.

Conclusions

The City finds that changes or alterations have been required in, or incorporated into, the Proposed Project that would reduce significant environmental effects associated with directly or indirectly destroying paleontological resources and unique geologic features from the Downtown Plan component of the Proposed Project to a less than significant level.

HAZARDS AND HAZARDOUS MATERIALS

Hazards within 0.25-Mile of School

The following findings are for Proposed Project impacts and cumulative impacts.

Description of Significant Effects

The Downtown Plan component of the Proposed Project will have a significant project and cumulative impact related to hazardous releases of soil and/or groundwater contamination within one-quarter mile of schools that is reduced to a less than significant level by the inclusion of Mitigation Measures **4.8-4(a)**, **4.8-4(b)**, and **4.8-4(c)** (see Draft EIR pages 4.8-47 to 49 and 4.8-57 to 58).

Adopted Mitigation Measure(s)

To mitigate the above-described significant impacts, the City adopted the following mitigation measures in the MMP:

- 4.8-4(a)

- 4.8-4(b)
- 4.8-4(c)

Finding(s)

The City adopts the following finding for the above-described significant impacts:

- Finding 1

Rationale for Finding

Implementation of Mitigation Measures **4.8-4(a)**, **4.8-4(b)**, and **4.8-4(c)** would reduce hazardous release impacts to schools within one-quarter mile of reasonably foreseeable development under the Downtown Plan by ensuring that soil and/or groundwater contamination that may be present is identified, and as necessary, remediated. For any project that requires grading, excavation, or a building permit from LADBS, in the event that suspected hazardous materials, contamination, debris, or other features or materials that could present a threat to human health or the environment are discovered during earthwork or construction, Mitigation Measure **4.8-4(a)** would require all activities to cease immediately until the affected area is evaluated by a qualified environmental professional. If it is determined that a hazard exists, a Remediation Plan shall be developed by the qualified environmental professional in consultation with the appropriate regulatory agency, and the remediation identified shall be completed. The qualified environmental professional shall also prepare a report that describes the hazardous materials, contamination or debris and its disposition. Mitigation Measure **4.8-4(b)** would apply to any project that requires grading, excavation, or a building permit from LADBS and is either located on or within 500 feet of a hazardous materials site listed in either the State Water Resources Control Board (SWRCB) GeoTracker, Department of Toxic Substances Control (DTSC) EnviroStor, DTSC Hazardous Waste Tracking System, Los Angeles Fire Department (LAFD) Certified Unified Program Agency, Los Angeles County Fire Department (LACoFD) Health Hazardous Materials Division, or SCAQMD Facility Information Detail databases; on or within 500 feet of a hazardous materials site designated as a Resource Conservation and Recovery Act Small Quantity Generator or Large Quantity Generator; in an Oil Drilling District (O) or located on or within 50 feet of a property identified as having an oil well or an oil field (active or inactive) by the California Geologic Energy Management Division; on land currently or previously designated with an industrial use class or industrial zoning, in whole or in part; on land currently or previously used for a gas station or dry cleaning facility; on a site which the applicant or owner is aware or has reason to be aware was previously used for an industrial use, gas station, or dry cleaner and has not been previously remediated to the satisfaction of the relevant regulatory agency/agencies for any contamination associated with the previous hazardous materials uses or site conditions. Implementation of Mitigation Measure **4.8-4(b)** would require these types of projects to have a qualified environmental professional prepare a Phase I Environmental Site Assessment (ESA) to evaluate whether the site, or the surrounding area, is contaminated with hazardous substances from any past or current land uses. If the Phase I ESA identifies a Recognized Environmental Condition (REC) and/or if recommended in the Phase I ESA, a Phase II

ESA shall also be prepared. Any Remediation Plan recommended in the Phase II ESA or by the appropriate regulatory agency shall be implemented and, if required, a No Further Action letter shall be issued by the appropriate regulatory agency prior to issuance of any permit from LADBS, unless the regulating agency determines that remedial action can be implemented in conjunction with excavation and/or grading. If oversight or approval by a regulatory agency is not required, the qualified environmental professional shall provide written verification of compliance with and completion of the Remediation Plan, such that the site meets the applicable standards for the proposed use. For all projects not subject to Mitigation Measures **4.8-4(a)** and **4.8-4(b)** that are seeking excavation or grading permits, Mitigation Measure **4.8-4(c)** would require the applicant to submit an acknowledgement and affidavit stating that no known recognized soil or groundwater contamination exceeding regulatory action levels is present on-site or that provides evidence of compliance with all applicable federal, state, and local regulations for remediation of hazardous materials to LADBS. Imposition of Mitigation Measures **4.8-4(a), and 4.8-4(b)**, would reduce Downtown Plan and cumulative hazardous release impacts within one-quarter mile of schools to a less than significant level.

Alternatives

Alternatives 1 and 2 would have a reduced level of impacts on hazardous releases within one-quarter mile of schools compared to the Downtown Plan, Alternative 3 would have a greater level of impacts, but would remain at a less than significant level, and Alternative 4 would have a greater level of impacts on hazardous releases within one-quarter mile of schools, resulting in a significant and unavoidable impact. As discussed below in Section 2(E), the City rejects Alternatives 1, 2, 3, and 4.

Conclusions

The City finds that changes or alterations have been required in, or incorporated into, the Proposed Project that would reduce significant project and cumulative environmental effects associated with hazardous releases of soil and/or groundwater contamination within one-quarter mile of schools from the Downtown Plan component of the Proposed Project to a less than significant level.

Hazardous Materials Sites

The following findings are for Proposed Project impacts and cumulative impacts.

Description of Significant Effects

The Downtown Plan component of the Proposed Project will have a significant project and cumulative impact related to hazardous materials sites, including sites listed as hazardous material sites pursuant to Government Code Section 65962.5 and sites that are not listed but that contain contamination, that is reduced to a less than significant level by the inclusion of Mitigation Measures **4.8-4(a), and 4.8-4(b)** (see Draft EIR pages 4.8-49 to 52 and 4.8-58).

Adopted Mitigation Measure(s)

To mitigate the above-described significant impacts, the City adopted the following mitigation measures in the MMP:

- 4.8-4(a)
- 4.8-4(b)

Finding(s)

The City adopts the following finding for the above-described significant impacts:

- Finding 1

Rationale for Finding

Implementation of Mitigation Measures **4.8-4(a)**, **4.8-4(b)**, and **4.8-4(c)** would ensure that development under the Downtown Plan would not create a significant hazard to the public or environment. For any project that requires grading, excavation, or a building permit from LADBS, in the event that suspected hazardous materials, contamination, debris, or other features or materials that could present a threat to human health or the environment are discovered during earthwork or construction, Mitigation Measure **4.8-4(a)** would require all activities to cease immediately until the affected area is evaluated by a qualified environmental professional. If it is determined that a hazard exists, a Remediation Plan shall be developed by the qualified environmental professional in consultation with the appropriate regulatory agency, and the remediation identified shall be completed. The qualified environmental professional shall also prepare a report that describes the hazardous materials, contamination or debris and its disposition. Mitigation Measure **4.8-4(b)** would apply to any project that requires grading, excavation, or a building permit from LADBS and is either located on or within 500 feet of a hazardous materials site listed in either the SWRCB GeoTracker, DTSC EnviroStor, DTSC Hazardous Waste Tracking System, LAFD Certified Unified Program Agency, LACoFD Health Hazardous Materials Division, or SCAQMD Facility Information Detail databases; on or within 500 feet of a hazardous materials site designated as a Resource Conservation and Recovery Act Small Quantity Generator or Large Quantity Generator; in an Oil Drilling District (O) or located on or within 50 feet of a property identified as having an oil well or an oil field (active or inactive) by the California Geologic Energy Management Division; on land currently or previously designated with an industrial use class or industrial zoning, in whole or in part; on land currently or previously used for a gas station or dry cleaning facility; on a site which the applicant or owner is aware or has reason to be aware was previously used for an industrial use, gas station, or dry cleaner and the site has not been previously remediated to the satisfaction of the relevant regulatory agency/agencies for any contamination associated with the previous hazardous materials uses or site conditions. Implementation of Mitigation Measure **4.8-4(b)** would require these types of projects to have a qualified environmental professional prepare a Phase I ESA to evaluate whether the site, or the surrounding area, is contaminated with hazardous substances from any past or current land uses. If the Phase I ESA identifies a REC and/or if recommended in the Phase I ESA, a Phase II ESA shall also be prepared. Any Remediation Plan recommended in the Phase II ESA or by the appropriate regulatory agency shall

be implemented and, if required, a No Further Action letter shall be issued by the appropriate regulatory agency prior to issuance of any permit from LADBS, unless the regulating agency determines that remedial action can be implemented in conjunction with excavation and/or grading. If oversight or approval by a regulatory agency is not required, the qualified environmental professional shall provide written verification of compliance with and completion of the Remediation Plan, such that the site meets the applicable standards for the proposed use. For all projects not subject to Mitigation Measures **4.8-4(a)** and **4.8-4(b)** that are seeking excavation or grading permits, Mitigation Measure **4.8-4(c)** would require the applicant to submit an acknowledgement and affidavit stating that no known recognized soil or groundwater contamination exceeding regulatory action levels is present on-site or that provides evidence of compliance with all applicable federal, state, and local regulations for remediation of hazardous materials to LADBS. Imposition of Mitigation Measures **4.8-4(a)**, **4.8-4(b)**, and **4.8-4(c)** would reduce Downtown Plan and cumulative hazardous materials sites impacts to a less than significant level.

Alternatives

Alternatives 1 and 2 would have a reduced level of impacts related to hazardous materials sites, including sites listed as hazardous material sites pursuant to Government Code Section 65962.5 and sites that are not listed but that contain contamination compared to the Downtown Plan, Alternative 3 would have a greater level of impacts, but would remain at a less than significant level, and Alternative 4 would have a greater level of impacts related to hazardous materials sites, including sites listed as hazardous material sites pursuant to Government Code Section 65962.5 and sites that are not listed but that contain contamination, resulting in a significant and unavoidable impact. As discussed below in Section 2(E), the City rejects Alternatives 1, 2, 3, and 4.

Conclusions

The City finds that changes or alterations have been required in, or incorporated into, the Proposed Project that would reduce significant project and cumulative environmental effects related to hazardous materials sites, including sites listed as hazardous material sites pursuant to Government Code Section 65962.5 and sites that are not listed but that contain contamination from the Downtown Plan component of the Proposed Project to a less than significant level.

TRIBAL CULTURAL RESOURCES

Historical and Tribal Resources

The following findings are for Proposed Project and cumulative impacts.

Description of Significant Effects

The Downtown Plan component of the Proposed Project will have a significant project and cumulative impact related to disturbance of tribal cultural resources that is reduced to a less than significant level by the inclusion of Mitigation Measures 4.4-2(a), 4.4-2(b), 4.4-2(c), 4.4-2(d), **4.16-1(a)**, **4.16-1(b)**, and **4.16-1(c)** (see Draft EIR pages 4.16-4 to 7).

Adopted Mitigation Measure(s)

To mitigate the above-described significant impacts, the City adopted the following mitigation measures in the MMP:

- 4.4-2(a)
- 4.4-2(b)
- 4.4-2(c)
- 4.4-2(d)
- 4.16-1(a)
- 4.16-1(b)

Finding(s)

The City adopts the following finding for the above-described significant impacts:

- Finding 1

Rationale for Finding

Implementation of Mitigation Measures **4.16-1(a)** and **4.16-1(b)**, in combination with Mitigation Measures **4.4-2(a)**, **4.4-2(b)**, **4.4-2(c)** and **4.4-2(d)**, would reduce impacts to tribal cultural resources by requiring a process to identify and, if necessary, avoid and/or recover identified tribal cultural resources throughout the Downtown Plan Area, including areas where resources have been previously identified. All discretionary projects excavating previously undisturbed land or below previously excavated depths would be required to conduct archaeological resource evaluations (i.e., Mitigation Measure **4.4-2(a)**) and notify the California Native American tribes that are traditionally and culturally affiliated with the geographic area of the development site and have submitted a written request to DCP to be notified of proposed projects in that area (i.e., Mitigation Measure **4.16-1(a)**). If a possible tribal cultural resource is uncovered during earthwork or construction activities, all work shall cease within a minimum distance of 50 feet from the find until a qualified tribal monitor or archaeological monitor has been retained to evaluate the find. Following discovery, the applicant or owner shall immediately contact all Native American tribes that are traditionally and culturally affiliated with the geographic area of the project, as well as DCP, OHR. If it is determined that the object or artifact appears to be a potential tribal cultural resource, the applicant and owner shall provide any affected tribe a reasonable period of time to conduct a site visit and make recommendations to the applicant or owner and OHR regarding the monitoring of future ground disturbance activities and the treatment and disposition of any discovered tribal cultural resources. For all development projects not subject to Mitigation Measure **4.16-1(a)**, Mitigation Measure **4.16-1(b)** would require the LADBS to issue to the applicant a notification that includes best practices to ensure that tribal cultural resources are not damaged. For any project that requires a permit for grading or excavation, if a possible archaeological resource is uncovered during earthwork or construction, all work would be required to cease within a minimum distance of 50 feet from the find until a qualified archaeologist has been retained to evaluate the find (i.e.,

Mitigation Measure 4.4-2(b)). The handling, treatment, preservation, and recordation of unique archaeological resources shall be in compliance with PRC Section 21083.2, and the qualified archaeologist shall prepare a report that describes the resource(s) and its disposition, as well as the assessment methodology. If possible, segments of the Zanja System are uncovered during earthwork or construction, Mitigation Measure **4.4-2(d)**, which includes inspection by a qualified archaeologist, preparation of a memo and completion of all relevant California Department of Parks and Recreation 523 forms documenting the find, Historic American Engineering Record documentation, and specific treatments, would reduce impacts to the System to a less than significant level. Imposition of Mitigation Measures **4.16-1(a)** and **4.16-1(b)**, in combination with Mitigation Measures **4.4-2(a)**, **4.4-2(b)**, **4.4-2(c)** and **4.4-2(d)**, would reduce Downtown Plan and cumulative tribal cultural resource impacts to a less than significant level.

Alternatives

Alternatives 1, 2, and 3 would have a similar level of tribal cultural resource impacts as the Downtown Plan and impacts would remain less than significant. Alternative 4 would have a greater level of impacts, resulting in a significant and unavoidable impact. As discussed below in Section 2(E), the City rejects Alternatives 1, 2, 3, and 4.

Conclusions

The City finds that changes or alterations have been required in, or incorporated into, the Proposed Project that would reduce significant project and cumulative environmental effects associated with disturbance of tribal cultural resources from the Downtown Plan component of the Proposed Project to a less than significant level.

D. Findings for Environmental Impacts Found to be Less than Significant or No Impact

Based on the EIR, the City finds the Proposed Project, inclusive of the future development within the scope of the EIR, to have less than significant impacts, or no impacts, without mitigation to all of the following impacts:

AESTHETICS

Scenic Vistas (Draft EIR pages 4.1-54 to 4.1-56 and 4.1-73): Less than significant impact (Downtown Plan); Less than significant impact (New Zoning Code)

Scenic Resources Within State Scenic Highway (Draft EIR pages 4.1-56 to 4.1-58 and 4.1-74 to 4.1-75): No impact (Downtown Plan); Less than significant impact (New Zoning Code)

Scenic Quality Zoning and Regulations (Draft EIR pages 4.1-58 to 4.1-72 and 4.1-75): Less-than-significant impact (Downtown Plan); Less than significant impact (New Zoning Code)

Light and Glare (Draft EIR pages 4.1-72 to 4.1-74 and 4.1-75 to 4.1-76): Less than significant impact (Downtown Plan); Less than significant impact (New Zoning Code)

Cumulative Impacts (Draft EIR pages 4.1-74 to 4.1-76): Less than significant impact (Scenic Vistas, Scenic Resources, and Light and Glare); No impact (Visual Character)

AGRICULTURE AND FORESTRY RESOURCES

Conversion of Farmland to Non-Agricultural Use (DEIR pages 4.18-1 to 4.18-2): No impact (Downtown Plan); Less than significant impact (New Zoning Code)

Conflict with Agricultural Zoning or Williamson Act (DEIR pages 4.18-1 to 4.18-2): No impact (Downtown Plan); Less than significant impact (New Zoning Code)

Conflict with Zoning or Cause Rezoning of Forest Land (DEIR pages 4.18-1 to 4.18-2): No impact (Downtown Plan); Less than significant impact (New Zoning Code)

Loss or Conversion of Forest Land (DEIR pages 4.18-1 to 4.18-2): No impact (Downtown Plan); Less than significant impact (New Zoning Code)

Other Changes Resulting in Conversion of Farmland or Forest Land (DEIR pages 4.18-1 to 4.18-2): No impact (Downtown Plan); Less than significant impact (New Zoning Code)

AIR QUALITY

Air Quality Plan (Draft EIR pages 4.2-19 to 4.2-21): Less-than-significant impact (Downtown Plan); Less than significant impact (New Zoning Code)

Cumulative Increase (Draft EIR pages 4.2-21 to 4.2-30): Less-than-significant impact (New Zoning Code – Construction); Less than significant impact (New Zoning Code – Operation)

Sensitive Receptors (Draft EIR pages 4.2-30 to 4.2-35): Less-than-significant impact (New Zoning Code – Construction); Less than significant impact (New Zoning Code – Operation)

Odors (Draft EIR pages 4.2-35 to 4.2-36): Less-than-significant impact (Downtown Plan – Construction); Less than significant impact (Downtown Plan – Operation); Less-than-significant impact (New Zoning Code – Construction); Less than significant impact (New Zoning Code – Operation)

Cumulative Impacts (Draft EIR pages 4.2-37 to 4.2-39): Less than significant impact (New Zoning Code – Cumulative Increase, Carbon Monoxide Hotspots, and Odors); No impact (AQMP Consistency)

BIOLOGICAL RESOURCES

Special Status Species Habitat (Draft EIR pages 4.3-15 to 4.3-18): Less than significant impact (New Zoning Code)

Riparian Habitat (Draft EIR pages 4.3-19 to 4.3-20): No impact (Downtown Plan); Less than significant impact (New Zoning Code)

Wetlands (Draft EIR pages 4.3-20 to 4.3-21): No impact (Downtown Plan); Less than significant impact (New Zoning Code)

Migratory Wildlife, Biological Resources Plan (Draft EIR pages 4.3-21 to 4.3-22): No impact (Downtown Plan); Less than significant impact (New Zoning Code)

Local Policies and Ordinances (Draft EIR pages 4.3-22 to 4.3-25): Less than significant impact (Downtown Plan); Less than significant impact (New Zoning Code)

Habitat Conservation Plan (Draft EIR page 4.3-25): No impact (Downtown Plan); No impact (New Zoning Code)

Cumulative Impacts (Draft EIR pages 4.3-25 to 4.3-27): Less than significant impact (New Zoning Code - Sensitive Species and Habitats); (New Zoning Code and Downtown Plan-Riparian Habitat; Wildlife Movement; and Heritage Trees and Other Protected Trees); No impact (Habitat and Natural community Plans)

CULTURAL RESOURCES

Historical Resources (Draft EIR pages 4.4-37 to 4.4-43): Less than significant impact (New Zoning Code)

Archaeological Resources (Draft EIR pages 4.4-43 to 4.4-44): Less than significant impact (New Zoning Code)

Human Remains (Draft EIR pages 4.4-47 to 4.4-48): Less than significant impact (Downtown Plan); Less than significant impact (New Zoning Code)

Cumulative Impacts (Draft EIR page 4.4-48 to 49): Less than significant impact (New Zoning Code - Historical Resources); Less than significant impact (New Zoning Code - Archaeological Resources); Less than significant impact (New Zoning Code and Downtown Plan - Human Remains)

ENERGY

Inefficient Energy Consumption (Draft EIR pages 4.5-17 to 4.5-21): Less than significant impact (Downtown Plan); Less than significant impact (New Zoning Code)

Renewable Energy/Energy Efficiency Plans (Draft EIR pages 4.5-22 to 4.5-23): Less than significant impact (Downtown Plan); Less than significant impact (New Zoning Code)

Cumulative Impacts (Draft EIR pages 4.5-23 to 4.5-24): Less than significant impact (Inefficient Energy Consumption and Renewable Energy/Energy Efficiency Plans)

GEOLOGY AND SOILS

Earthquake Fault, Seismicity, and Seismic-Related Ground Failure (Draft EIR pages 4.6-26 to 4.6-29): No impact (Downtown Plan); No impact (New Zoning Code)

Soil Erosion (Draft EIR pages 4.6-30 to 4.6-31): Less than significant impact (Downtown Plan); Less than significant impact (New Zoning Code)

Geologic Hazards/Unstable Soils (Draft EIR pages 4.6-31 to 4.6-33): No impact (Downtown Plan); No impact (New Zoning Code)

Expansive Soil (Draft EIR pages 4.6-34 to 4.6-35): No impact (Downtown Plan); No impact (New Zoning Code)

Septic Tanks (Draft EIR pages 4.6-35 to 4.6-36): Less than significant impact (New Zoning Code); No impact (Downtown Plan)

Paleontological Resources (Draft EIR pages 4.6-36 to 4.6-39): Less than significant impact (New Zoning Code)

Cumulative Impacts (Draft EIR pages 4.6-40 to 4.6-42): Less than significant impact (Expansive Soils and Paleontological Resources [New Zoning Code]); No impact (Exposure to Seismic Hazards, Soil Erosion, Unstable Geologic Units, Septic tanks/Alternative Wastewater Treatment)

GREENHOUSE GAS EMISSIONS

Plans, Policies or Regulations (Draft EIR pages 4.7-29 to 4.7-46): Less than significant impact (Downtown Plan); Less than significant impact (New Zoning Code)

Cumulative Impacts (Draft EIR page 4.7-46): Less than significant impact

HAZARDS & HAZARDOUS MATERIALS

Hazardous Materials Transport, Use, Disposal (Draft EIR pages 4.8-43 to 4.8-44): Less than significant impact (Downtown Plan); Less than significant impact (New Zoning Code)

Hazardous Materials Upset or Accident (Draft EIR pages 4.8-44 to 4.8-47): Less than significant impact (Downtown Plan); Less than significant impact (New Zoning Code)

Hazards within 0.25-Mile of School (Draft EIR pages 4.8-47 to 4.8-49): Less than significant impact (New Zoning Code)

Hazardous Materials Sites (Draft EIR pages 4.8-49 to 4.8-52): Less than significant impact (New Zoning Code)

Public Airport (Draft EIR pages 4.8-52 to 4.8-53): No impact (Downtown Plan); Less than significant impact (New Zoning Code)

Private Airstrip (Draft EIR pages 4.8-53 to 4.8-54): No impact (Downtown Plan); Less than significant impact (New Zoning Code)

Emergency Response Plans (Draft EIR pages 4.8-54 to 4.8-55): Less than significant impact (Downtown Plan); Less-than-significant impact (New Zoning Code)

Wildland Fires (Draft EIR page 4.8-56): No impact (Downtown Plan); Less than significant impact (New Zoning Code)

Cumulative Impacts (Draft EIR pages 4.8-57 to 4.8-59): Less than significant impact (Routine Transport, Use, or Disposal of Hazardous Materials, Upset/Accident Involving Hazardous Materials, Hazardous Materials Near Schools)

[New Zoning Code], Hazardous Material Sites [New Zoning Code], Public Airports/Private Airstrips, Emergency Response and Evacuation, and Wildland Fire)

HYDROLOGY & WATER QUALITY

Groundwater Quality/Discharge Requirements (Draft EIR pages 4.9-21 to 4.9-24): Less-than-significant impact (Downtown Plan); Less than significant impact (New Zoning Code)

Groundwater (Draft EIR pages 4.9-25 to 4.9-26): Less than significant impact (Downtown Plan); Less-than-significant impact (New Zoning Code)

Drainage – Erosion, Runoff, Flooding (Draft EIR pages 4.9-27 to 4.9-29): Less than significant impact (Downtown Plan); Less than significant impact (New Zoning Code)

Pollutants (Draft EIR pages 4.9-30 to 4.9-31): Less than significant impact (Downtown Plan); Less than significant impact (New Zoning Code)

Water Quality Plans and Policy Consistency (Draft EIR pages 4.9-31 to 4.9-32): Less than significant impact (Downtown Plan); No impact (New Zoning Code)

Cumulative Impacts (Draft EIR pages 4.9-32 to 4.9-34): Less than significant impact (Water Quality Standards/Water Quality Degradation, Groundwater, Drainage/Runoff, Flood Hazards, Levee/Dam Inundation, and Seiche/Tsunami/Mudflow)

LAND USE & PLANNING

Physically Divide a Community (Draft EIR pages 4.10-24 to 4.10-28): No impact (Downtown Plan); Less than significant impact (New Zoning Code)

Land Use Plans and Policy Consistency (Draft EIR pages 4.10-28 to 4.10-56): Less than significant impact (Downtown Plan); Less than significant impact (New Zoning Code)

Cumulative Impacts (Draft EIR pages 4.10-56 to 4.10-57): Less than significant impact (Division of an Established Community and Consistency with Land Use Plans/Policies)

MINERAL RESOURCES

Loss of Known Mineral Resource (Draft EIR pages 4.18-2 to 4.18-5): Less than significant impact (Downtown Plan); Less than significant impact (New Zoning Code)

Loss of Mineral Resource Recovery Site (Draft EIR pages 4.18-2 to 4.18-5): Less than significant impact (Downtown Plan); Less than significant impact (New Zoning Code)

NOISE

Noise Levels (Draft EIR pages 4.11-16 to 4.11-25): Less than significant impact (Downtown Plan – Permanent); Less-than-significant impact (New Zoning Code – Permanent); Less than significant impact (New Zoning Code – Temporary)

Groundborne Vibration (Draft EIR pages 4.11-25 to 4.11-29): Less than significant impact (Downtown Plan – Operational); Less than significant impact (New Zoning Code – Permanent); Less-than-significant impact (New Zoning Code – Temporary)

Private Airstrip/Airport Plan (Draft EIR pages 4.11-29 to 4.11-30): No impact (Downtown Plan); Less than significant impact (New Zoning Code)

Cumulative Impacts (Draft EIR pages 4.11-30 to 4.11-33): Less than significant impact (Stationary Noise Sources, Mobile Noise Sources, New Zoning Code – Temporary Construction Noise, New Zoning Code –Construction Vibration, Operational Vibration, and Public Airports/Private Airstrips)

POPULATION & HOUSING

Induce Substantial Population Growth (Draft EIR pages 4.12-15 to 4.12-19): Less than significant impact (Downtown Plan); Less than significant impact (New Zoning Code)

Displacement of Existing People or Housing (Draft EIR pages 4.12-19 to 4.12-22): Less than significant impact (Downtown Plan); Less than significant impact (New Zoning Code)

Cumulative Impacts (Draft EIR pages 4.12-22 to 4.12-23): Less than significant impact (Induce Substantial Population Growth and Displacement of Existing People or Housing)

PUBLIC SERVICES

Fire Protection (Draft EIR pages 4.13-11 to 4.13-14): Less than significant impact (Downtown Plan); Less-than-significant impact (New Zoning Code)

Police Protection (Draft EIR pages 4.13-20 to 4.13-23): Less than significant impact (Downtown Plan); Less than significant impact (New Zoning Code)

Public Schools (Draft EIR pages 4.13-34 to 4.13-37): Less than significant impact (Downtown Plan); Less than significant impact (New Zoning Code)

Libraries (Draft EIR pages 4.13-41 to 4.13-43): Less than significant impact (Downtown Plan); Less than significant impact (New Zoning Code)

Cumulative Impacts (Draft EIR pages 4.13-14 to 15, 4.13-23 to 24, 4.13-37, and 4.13-43): Less than significant impact (Fire Protection Services, Police Protection Services, Public Schools, and Libraries)

RECREATION

Existing Regional Parks or Recreation Facilities (Draft EIR pages 4.14-7 to 4.14-10): Less than significant impact (New Zoning Code)

Recreational and Governmental Facilities (Draft EIR pages 4.14-10 to 4.14-12): Less than significant impact (Downtown Plan); Less than significant impact (New Zoning Code)

Cumulative Impacts (Draft EIR page 4.14-13): Less than significant impact (Construction/Expansion of Parks); No cumulative impact (New Zoning Code)

TRANSPORTATION

Circulation System Programs and Policy (Draft EIR pages 4.15-40 to 4.15-41): Less than significant impact (Downtown Plan); Less than significant impact (New Zoning Code)

CEQA Guidelines (Draft EIR pages 4.15-42 to 4.15-43): No impact (Downtown Plan); Less than significant impact (New Zoning Code)

Design Feature Hazards (Draft EIR pages 4.15-44 to 4.15-46): Less than significant impact (New Zoning Code)

Emergency Access (Draft EIR pages 4.15-47 to 4.15-53): Less than significant impact (Downtown Plan); Less than significant impact (New Zoning Code)

Cumulative Impacts (Draft EIR pages 4.15-53 to 4.15-55): Less than significant impact (MP 2035 and SCAG 2016-2040 RTP/SCS Consistency, CEQA Guidelines Section 15064.3, Subdivision (b) Consistency, Transportation Hazards [New Zoning Code], and Emergency Access)

TRIBAL CULTURAL RESOURCES

Historical and Tribal Resources (Draft EIR pages 4.16-4 to 4.16-7): Less than significant impact (New Zoning Code)

Cumulative Impacts (Draft EIR page 4.16-7): Less than significant impact (Tribal Resources)

UTILITIES & SERVICE SYSTEMS

Wastewater Treatment (Draft EIR pages 4.17-7 to 4.17-10): Less than significant impact (Downtown Plan); Less than significant impact (New Zoning Code)

Stormwater Drainage (Draft EIR pages 4.17-10 to 4.17-11): Less than significant impact (Downtown Plan); Less than significant impact (New Zoning Code)

Water Facilities and Supply (Draft EIR pages 4.17-24 to 4.17-27): Less than significant impact (Downtown Plan); Less than significant impact (New Zoning Code)

Solid Waste Standards and Capacity (Draft EIR page 4.17-34 to 4.17-36): Less than significant impact (Downtown Plan); Less than significant impact (New Zoning Code)

Solid Waste Management and Reduction Regulations (Draft EIR pages 4.17-36 to 4.17-37): Less than significant impact (Downtown Plan); Less than significant impact (New Zoning Code)

Electric Power, Natural Gas, or Telecommunication Facilities (Draft EIR page 4.17-41 to 4.17-44): Less than significant impact (Downtown Plan); Less than significant impact (New Zoning Code)

Cumulative Impacts (Draft EIR pages 4.17-11 to 13, 4.17-27 to 28, 4.17-37 to 38, and 4.17-44 to 45): Less than significant impact (Wastewater Treatment, Stormwater Drainage, Water Facilities and Supply, Solid Waste Disposal Facilities, Electric Power, Natural Gas, and Telecommunication Facilities)

WILDFIRE

Emergency Response/Evacuation Plan (Draft EIR page 4.18-5): No impact (Downtown Plan); Less than significant impact (New Zoning Code)

Slope, Prevailing Winds, Flooding, and Landslides (Draft EIR page 4.18-5): No impact (Downtown Plan); Less than significant impact (New Zoning Code)

Installation Maintenance of Associated Infrastructure (Draft EIR page 4.18-5): No impact (Downtown Plan); Less than significant impact (New Zoning Code)

Expose People or Structures to Risk of Loss, Injury, or Death (Draft EIR page 4.18-5): No impact (Downtown Plan); Less than significant impact (New Zoning Code)

E. Findings for Alternatives to the Project

UNDERLYING PURPOSE AND PROJECT OBJECTIVES

The underlying purpose and project objectives of the Downtown Community Plan Update / New Zoning Code for Downtown Community Plan, as discussed in the EIR (Chapter 3), are stated below. In accordance with CEQA Guidelines Section 15124(b), the specific project objectives identified below support the underlying purpose of the Proposed Project, assist the City as Lead Agency in developing a reasonable range of alternatives to evaluate in the EIR, and ultimately aid the decision maker in preparing findings and, if necessary, a statement of overriding considerations.

UNDERLYING PURPOSE

The underlying purpose of the Downtown Plan is to plan for and accommodate foreseeable growth in the City, including the Downtown Plan Area, consistent with the growth strategies of the City as provided in the Framework

Elements, as well as the policies of SB 375 and the Southern California Association of Governments' (SCAG) Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS).

The underlying purpose of the New Zoning Code is to create the tools necessary to implement community visions expressed in adopted plans, including the Downtown Plan. The modular zoning tools of the New Zoning Code are designed to be adaptable to future needs throughout the City.

PRIMARY OBJECTIVES

- **Objective 1:** Accommodate employment, housing, and population growth projections forecasted through the planning horizon year of 2040 to ensure that Downtown Plan Area continues to grow in a sustainable, equitable, healthy, and inclusive manner, consistent with the City of Los Angeles General Plan Framework Element, by focusing new job-generating uses and residential development around transit stations
- **Objective 2:** Provide for economic diversification and reinforce the Downtown Plan Area as a primary center of employment for the City and the Southern California region
- **Objective 3:** Build upon Downtown's role as a regional transportation center by allowing for intensive development throughout the Downtown Plan Area, and concentrating development opportunity immediately surrounding the transit stations with an appropriate range of building sizes and mix of uses
- **Objective 4:** Promote a mode-shift from private automobile usage and foster a transit, bicycle, and pedestrian supportive environment
- **Objective 5:** Reduce vehicle miles traveled to meet the goals of the Senate Bill 375, Senate Bill 743, and California Assembly Bill 32 to reduce carbon emissions
- **Objective 6:** Support a growing residential population by expanding the areas where housing is permitted and allowing for a full range of housing options
- **Objective 7:** Celebrate and reinforce the character of each of the neighborhoods in the Downtown Plan Area
- **Objective 8:** Provide a set of implementation tools that are responsive to the range of physical and functional needs across the Downtown Plan Area, and enable the creation of similar tools across the City

SECONDARY OBJECTIVES

- **Objective 1:** Refine and expand a system that links development with public benefits to deliver community amenities in the Downtown Plan Area, and is adaptable to the policy needs across the City
- **Objective 2:** Maintain a meaningful amount of the Downtown Plan Area that is dedicated to production and high-intensity traditional industry
- **Objective 3:** Promote a mix of land uses that fosters sustainability, equity, community, neighborhood density, and healthy living

- **Objective 4:** Identify appropriate locations for housing and establish zoning tools that encourage a range of unit typologies
- **Objective 5:** Ensure new development provides the appropriate range of outdoor amenity space and other recreational options to tenants and property owners
- **Objective 6:** Support and sustain Downtown’s ongoing revitalization

ALTERNATIVES

Based on the whole of the administrative record, the City finds that the EIR analyzes a reasonable range of project alternatives that would feasibly attain some of the objectives of the Proposed Project, as described in Chapter 5 of the Draft EIR. The four alternatives analyzed in the EIR are described and rejected as follows:

Alternative 1 – Reduced Development Potential (Draft EIR pages 5-6 to 5-21)

Description of Alternative

The Reduced Development Potential Alternative involves reducing the maximum FAR in subareas in the Traditional Core, Community Center, Markets, and Hybrid Industrial General Plan Designations to a maximum of 3.0:1 FAR and 6.0:1 FAR but retains the story limitations associated with these designations. Alternative 1 would also reduce base FAR in the transit Core to 6:1. Under Alternative 1, population growth in the Downtown Plan Area would fall below SCAG’s forecasts by approximately 6,000 residents (69,000 less than the Proposed Plan), while housing and employment projections would exceed projections by approximately 1,000 housing units (36,000 fewer housing units than Proposed Plan) and 33,000 jobs (15,000 fewer jobs than the Proposed Plan), respectively.

Impact Summary

Based on the lower amount of development and growth, this alternative would reduce the intensity of significant impacts compared to the Proposed Project, but all significant impacts of the Proposed Project, including those for air quality (criteria pollutants and sensitive receptors), historical resources, noise and vibration related to construction, degradation of existing parks, and transportation (highway safety) would remain under Alternative 1. (DEIR at 5-7 to 5-21). A complete summary is provided in Table 5-22 of the Draft EIR, page 5-67.

Finding(s)

It is found pursuant to PRC Section 21081(a)(3) and CEQA Guidelines Section 15091(a)(3), that specific economic, legal, social, technological, or other considerations, make the Reduced Development Potential Alternative (Alternative 1) infeasible. Therefore, the City finds that this alternative is infeasible and less desirable than the Proposed Project and rejects this alternative for any, some, or all, of the following reasons:

- Alternative 1 would not meet Primary Objective 2, which aims to reinforce the Downtown Plan Area as a primary center of employment for the City and the Southern California region, as well as the Proposed Project would due to the reduced development potential in comparison to the Downtown Plan.
- Alternative 1 would not meet Primary Objective 3, which aims to allow for intensive development throughout the Downtown Plan Area and concentrate growth near transit, as well as the Proposed Project would due to the reduced capacity for development around transit in comparison to the Downtown Plan.
- Alternative 1 would not meet Primary Objective 4, which aims to promote a mode-shift from private automobile usage and foster a transit, bicycle, and pedestrian supportive environment, as well as the Proposed Project would due to the reduced development potential and reduced growth concentrated near transit.
- Alternative 1 would not meet Secondary Objective 1, which aims to refine and expand a system that links development with public benefits to deliver community amenities in the Downtown Plan Area and is adaptable to the policy needs across the City, as well as the Proposed Project would due to the reduced development potential and reduced growth concentrated near transit.
- Alternative 1 would result in incrementally greater impacts than the Proposed Project with respect to increased average VMT. (DEIR at 5-17 to 5-18).
- Alternative 1 would hinder the City's ability to meet its Regional Housing Needs Assessment (RHNA), as described in the Citywide Housing Element 2022-2029 Update, by failing to incorporate rezoning needed to increase housing production capacity in the Downtown Plan Area. The rezoning program associated with the Housing Element Update includes the DT Plan as helping the City to meet its RHNA allocation.
- Alternative 1 would implement 2016-2040 RTP/SCS, AQMP, and Air Quality Element policies related to concentrating development near transit and reducing regional VMT to a lesser degree than the Downtown Plan since the lower overall development capacity in the Downtown Plan Area may result in increased development elsewhere in the City and incrementally higher regional VMT.

Alternative 2 – Housing Redistribution (Draft EIR pages 5-21 to 5-37)

Description of Alternative

The Housing Redistribution Alternative would modify the Downtown Plan land use mix by expanding the areas where housing is permitted within the Markets and Production General Plan designations on the south-central portion of the Downtown Plan Area. This Alternative was included to meet the request of community groups and to consider an option with a different mix of housing types and locations where more housing is provided in the immediate vicinity of Downtown Plan Area jobs. Under this alternative, the Industrial-Mixed 3 (IX3) (IH1 was updated to IX3) Use District would be applied to areas that are proposed as Industrial-Mixed Use 2 (IX2), where the only type of housing allowed is through conversion of existing buildings to Joint Living and Work Quarters, and Restricted Light Industrial (MR1), which does not permit any type of housing. IX3 allows for adaptive reuse to housing, joint living and work

quarters, and construction of new residential units if a minimum of 1 FAR is set aside for employment uses, in addition to a range of commercial and light industrial uses. Under this Alternative, the area with 8.0:1 maximum FAR in the Downtown Plan would be reduced to 4.5:1 and the area with 3:1 maximum FAR would be increased to 4.5:1, to promote a more compatible scale of development between residential, and hybrid industrial uses. Alternative 2 reduces the total number of housing units, as compared to the Downtown Plan, based on the anticipated mix of units and allocation of housing and commercial uses in the areas where housing would be allowed. Alternative 2 would result in 6,000 fewer housing units, 11,000 fewer persons, and 8,000 fewer jobs through 2040 than the Downtown Plan.

Impact Summary

Based on the lower amount of development and growth, this alternative would reduce the intensity of impacts compared to the Proposed Project, but all significant impacts of the Proposed Project, including those for air quality (criteria pollutants and sensitive receptors), historical resources, noise and vibration related to construction, degradation of existing parks, and transportation (highway safety) would remain under Alternative 2. (DEIR at 5-21 to 5-37.) A complete summary is provided in Table 5-22 of the Draft EIR, page 5-67.

Finding(s)

It is found pursuant to PRC Section 21081(a)(3) and CEQA Guidelines Section 15091(a)(3), that specific economic, legal, social, technological, or other considerations, make the Housing Redistribution Alternative (Alternative 2) infeasible. Therefore, the City finds that this alternative is infeasible and less desirable than the Proposed Project and rejects this alternative for any, some, or all, of the following reasons:

- Alternative 2 would not meet Primary Objective 1, which aims to accommodate SCAG's 2040 employment, housing, and population projections and focus new job-generating uses and residential development around transit stations, consistent with the Framework Element, as well as the Proposed Project would due to the reduced development potential in comparison to the Downtown Plan throughout the Plan Area and around transit stations.
- Alternative 2 would not meet Primary Objective 3, which aims to build upon the Downtown's role as a regional transportation center by allowing for intensive development throughout the Downtown Plan Area and concentrate growth near transit, as well as the Proposed Project due to the reduced development potential throughout the Downtown Plan Area and near transit in comparison to the Downtown Plan.
- Alternative 2 would not meet Primary Objective 4, which aims to promote a mode-shift from private automobile usage and foster a transit, bicycle, and pedestrian supportive environment, as well as the Proposed Project due to reduced growth concentrated near transit.
- Alternative 2 would not meet Primary Objective 5, which aims to reduce VMT to meet the goals of Senate Bill 375, Senate Bill 743, and California Assembly Bill 32, as well as the Proposed Project due to reduced growth concentrated near transit, resulting in the generation of additional vehicle trips (DEIR at 5-34, Table 5-8).

- Alternative 2 would not meet Secondary Objective 1, which aims to refine and expand a system that links development with public benefits, to the same degree as the Proposed Project due to the reduced development potential and less growth concentrated near transit.
- Alternative 2 would result in incrementally greater impacts than the Proposed Project with respect to transportation/traffic (DEIR at 5-34, Table 5-8).
- Alternative 2 would hinder the City's ability to meet its Regional Housing Needs Assessment (RHNA), as described in the Citywide Housing Element 2022-2029 Update, compared to the Downtown Plan because rezonings under this alternative would provide less housing production capacity in the Downtown Plan Area. The rezoning program associated with the Housing Element Update identifies the DT Plan as helping the City to meet its RHNA allocation.
- Alternative 2 would implement 2016-2040 RTP/SCS, AQMP, and Air Quality Element policies related to concentrating development near transit and reducing regional VMT to a lesser degree than the Downtown Plan since the lower overall development capacity in the Downtown Plan Area may result in increased development elsewhere in the City and incrementally higher regional VMT.

Alternative 3 – Increased Development Potential (Draft EIR pages 5-37 to 5-53)

Description of Alternative

The Increased Development Potential Alternative would permit greater development capacity in the Markets and Community Center area, in exchange for a higher requirement for the provision of public benefits. This Alternative was included to inform decision makers and foster public participation on an alternative that could result in higher community benefits by allowing for greater development capacity in the Downtown Plan Area. Under this alternative, the Industrial-Mixed Use 2 (IX2), in which the only type of housing allowed is through conversion of existing buildings to Joint Living and Work Quarters, would be applied to areas that are proposed as Industrial 1 (I1) (MR1 was updated to I1), where no housing is allowed under the Downtown Plan. This alternative would raise the maximum FAR to 10.0:1 in areas that are proposed as 3:1, 4.5:1, 6.0:1 and 8.5:1. The FAR would also be raised to a maximum of 13.0:1 in areas that are proposed as 8.0:1 and 10.0:1. Alternative 3 would result in 6,000 more housing units, 11,000 more persons, and 59,000 more jobs by 2040 as compared to the Downtown Plan, which would exceed SCAG's population, housing, and job growth forecasts for the Downtown Plan Area.

Impact Summary

Based on the increased overall development, this alternative would have all the significant impacts of the Proposed Project, that is, significant unavoidable impacts to air quality (criteria pollutants and sensitive receptors), historical resources, noise and vibration related to construction, degradation of existing parks, and transportation (highway safety), and the significant impacts would occur at a greater intensity than that of the Proposed Project. (DEIR at 5-37 to 5-53.) A complete table summary is provided in Table 5-22 of the Draft EIR, page 5-67.

Finding(s)

It is found pursuant to PRC Section 21081(a)(3) and CEQA Guidelines Section 15091(a)(3), that Alternative 3 is rejected because it does not avoid or mitigate any significant impacts identified in the Draft EIR, including those significant impacts reduced to less than significant with mitigation. Additionally, specific economic, legal, social, technological, or other considerations, make the Increased Development Potential Alternative (Alternative 3) infeasible. Therefore, the City finds that this alternative is infeasible and less desirable than the Proposed Project and rejects this alternative for any, some, or all, of the following reasons:

- Alternative 3 would have greater significant and unavoidable impacts than the Proposed Project with respect to air quality (criteria pollutants from operations), historical resources, construction noise, degradation of existing parks, and highway safety.
- Alternative 3 would not meet Primary Objective 3, which aims to allow for intensive development near transit, as well as the Proposed Project would because it would increase the amount of development in parts of Downtown located further from transit.

Alternative 4 – No Project Alternative (Draft EIR pages 5-53 to 5-66)

Description of Alternative

Alternative 4 reflects “no project” conditions (i.e., without adoption of the Proposed Project) and would involve continued implementation of the existing Central City and Central City North Community Plans. Under Alternative 4, the City’s existing plans and policies would continue to accommodate development in accordance with existing General Plan designations and zoning. Therefore, population and housing growth in the Downtown Plan Area would fall below SCAG’s forecasts under current plans, while forecast employment growth would be accommodated. This would likely cause more housing development to occur elsewhere in the region to meet the 2040 SCAG projections of 189,000 residents and 96,000 housing units.

Impact Summary

Alternative 4 was selected to comply with CEQA’s mandate to include a “no project” alternative. Based on the limitations placed on development in the Downtown Plan Area under existing plans and policies, this alternative would have incrementally greater citywide impacts related to transportation as compared to the Downtown Plan and would have significant and unavoidable impacts related to air quality (criteria pollutants and sensitive receptors), historical resources, noise and vibration related to construction, and transportation (highway safety). Impacts from degradation of existing parks would be to a lesser degree but would still be significant and unavoidable. Additionally, this alternative would result in new significant and unavoidable impacts related to biological resources (nesting birds), cultural resources (archaeological resources), geology and soils (paleontological resources), hazards and hazardous materials (contaminated sites), and tribal cultural resources. (DEIR 5-53 to 5-66.) A complete summary is provided in Table 5-22 of the Draft EIR, page 5-67.

Finding(s)

It is found pursuant to PRC Section 21081(a)(3) and CEQA Guidelines Section 15091(a)(3), that specific economic, legal, social, technological, or other considerations, make the No Project Alternative (Alternative 4) infeasible. Therefore, the City finds that this alternative is infeasible and less desirable than the Proposed Project and rejects this alternative for any, some, or all, of the following reasons:

- Alternative 4 would not meet the underlying purpose of the Downtown Plan to accommodate the City and CPA growth consistent with the Framework Element, SB 375 and SCAG's SCS/RTP because it would not accommodate the SCAG forecast for the CPA.
- Alternative 4 would not meet the underlying purpose of the New Zoning Code to create the tools necessary to implement the community visions expressed in adopted plans because it would not adopt the New Zoning Code to be used for future community plan updates and would not create an adaptable code for future needs in the CPA and throughout the City.
- Alternative 4 would not be consistent with Primary Objective 1, which aims to accommodate SCAG's 2040 employment, housing, and population projections and focus new job-generating uses and residential development around transit stations, as this alternative would result in reduced development and growth due to development limitations in existing plans and policies. Future development would not be focused near regional centers or high-quality transit and would likely occur in other areas of the region with fewer transit options and longer distances between housing, jobs, and services.
- Alternative 4 would not be consistent with Primary Objective 8, which aims to provide a set of implementation tools that are responsive to the range of physical and functional needs across the Plan Area and City, as this alternative would involve the continued implementation of existing plans and policies that would not fully respond to the future physical and functional needs of the Plan Area and City.
- Alternative 4 would not be consistent with Secondary Objective 1, which aims to refine and expand a system that links development with public benefits to deliver community amenities in the Downtown Plan Area and is adaptable to the policy needs across the City, as this alternative involves reduced development and growth due to development limitations in existing plans and policies. Future development would not be focused near regional centers or high-quality transit and would likely occur in other areas of the region with fewer transit options and longer distances between housing, jobs, and services.
- Alternative 4 would not be consistent with Secondary Objective 3, which aims to promote a mix of land uses that fosters sustainability, equity, community, neighborhood density, and healthy living, as this alternative would likely cause development to occur elsewhere in the region due to development limitations in existing plans and policies. Inducing higher levels of growth in other areas of the region would likely increase regional emissions of air pollutants and greenhouse gases, regional energy consumption, and VMT due to a reduction in transit options and longer distances between housing, jobs, and services, as well as population displacement.

- Alternative 4 would not be consistent with Secondary Objective 4, which aims to identify appropriate locations for housing and establishing zoning tools that encourage a range of unit typologies, as the existing General Plan land use designations and zoning would remain unchanged. Future development would not be focused near regional centers or high-quality transit and would likely occur in other areas of the region with fewer transit options and longer distances between housing, jobs, and services.
- Alternative 4 would not be consistent with Secondary Objective 5, which aims to ensure that new development provides the appropriate range of outdoor amenity space and other recreational options to tenants and property owners, due to development limitations in existing plans and policies.
- Alternative 4 would not be consistent with Secondary Objective 6, which aims to support and sustain Downtown's ongoing revitalization, as less development would occur in the Plan Area due to development limitations in existing plans and policies.
- Alternative 4 would not meet Primary Objective 3, which aims to allow for intensive development throughout the Downtown Plan Area and concentrate growth near transit, as well as the Proposed Project would due to development limitations from existing plans and policies. Future development would not be focused near regional centers or high-quality transit and would likely occur in other areas of the region with fewer transit options and longer distances between housing, jobs, and services.
- Alternative 4 would not meet Primary Objective 4, which aims to promote a mode-shift from private automobile usage and foster a transit, bicycle, and pedestrian supportive environment, as future development would not be focused near regional centers or high-quality transit due to development limitations in existing plans and policies. Instead, future development would likely occur in other areas of the region with fewer transit options and longer distances between housing, jobs, and services.
- Alternative 4 would not meet Primary Objective 5, which aims to reduce VMT to meet the goals of Senate Bill 375, Senate Bill 743, and California Assembly Bill 32, as more development would likely occur elsewhere in the region due to development limitations in existing plans and policies and would likely result in longer distances between housing, jobs, and services.
- Alternative 4 would not meet Primary Objective 6, which aims to support a growing residential population by expanding the areas where housing is permitted and allowing for a full range of housing options, due to development limitations in existing plans and policies. Future development would not be focused near regional centers or high-quality transit and would likely occur in other areas of the region.
- Alternative 4 would have incrementally greater impacts than the Proposed Project with respect to transportation as this alternative would have higher citywide daily vehicle trips per service population.
- Alternative 4 would have the same significant and unavoidable impacts to air quality, historic resources, construction noise and vibration, recreation and transportation safety related to freeway off-ramps.

- Alternative 4 would have new significant and unavoidable impacts related to biological resources (nesting birds), cultural resources (archaeological resources), geology and soils (paleontological resources), hazards and hazardous materials (contaminated sites), and tribal cultural resources that would not occur under the Proposed Project.

Environmentally Superior Alternative

Section 15126.6 of the State CEQA Guidelines requires that an “environmentally superior” alternative be selected among the alternatives that are evaluated in the EIR. In general, the environmentally superior alternative is the alternative that would be expected to generate the fewest adverse impacts. If the No Project Alternative is identified as environmentally superior, then another environmentally superior alternative shall be identified among the other alternatives.

Alternatives 1, 2, and 4 would all incrementally reduce impacts for multiple issue areas compared to the Proposed Project because these alternatives would all reduce overall development levels in the Downtown Plan Area. However, none of these alternatives would avoid any of the significant and unavoidable impacts of the Proposed Project. Additionally, Alternative 4 would result in significant and unavoidable impacts (i.e., nesting birds, archaeological resources, paleontological resources, contaminated sites, and tribal cultural resources) that would not occur under the Proposed Project.

The Reduced Development Potential (Alternative 1) would result in the fewest impacts in the Downtown Plan Area as it would involve the least growth and development and would be subject to the mitigation measures included in this EIR. Based on the ability to result in reduced environmental impacts and meet project objectives, Alternative 1 is the Environmentally Superior Alternative. However, this alternative is rejected as infeasible for the reasons described above.

SECTION 3 – STATEMENT OF OVERRIDING CONSIDERATIONS

CEQA requires decision-maker(s) to balance, as applicable, the economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project against its unavoidable environmental risks when determining whether to approve the proposed project. (PRC Section 21081(b) and CEQA Guidelines Section 15093(a).) If the specific economic, legal, social, technological, or other benefits of a proposed project outweigh the unavoidable significant adverse environmental effects, the adverse environmental effect may be considered “acceptable.” (CEQA Guidelines Section 15093(a)) CEQA also requires that when a public agency approves a project that will result in the occurrence of significant and unavoidable adverse impacts to the environment, the agency must state in writing the reasons to support its action based on the certified EIR and/or other information in the record. (PRC Section 21081 and CEQA Guidelines Section 15093(b)) This “statement of overriding considerations” must be supported with substantial evidence in the record. (CEQA Guidelines Section 15093(b)) The EIR for the Downtown Community Plan Update / New Zoning Code for Downtown Community Plan identifies

significant unavoidable impacts that would result from implementation of the Proposed Project, as shown in Section 2.B of these CEQA Findings of Fact and Statement of Overriding Considerations. This Statement of Overriding Considerations are based on substantial evidence in the record, including but not limited to the Draft EIR and the Final EIR, and documents, testimony, and all other materials that constitute the Record of Proceedings.

Reasons to Support Approval of the Proposed Project

After balancing the specific economic, legal, social, technological, and other benefits of the Proposed Project, the City of Los Angeles has determined that the unavoidable adverse environmental impacts identified above may be considered “acceptable” due to the following specific considerations, which outweigh the unavoidable adverse environmental impacts of the Proposed Project. The City Council finds that each of the following statements are supported by substantial evidence in the record and that each one of the following overriding considerations independently, grouped by overarching theme, or taken collectively, is/are sufficient to outweigh the significant and unavoidable impacts of the Proposed Project:

1. The Proposed Project promotes development in a manner that would accommodate anticipated population growth for the City consistent with the City’s General Plan and the RTP/SCS prepared by SCAG. The RTP/SCS is the regional transportation and land use planning document required by federal and state agencies to document compliance with air quality attainment and greenhouse gas reduction requirements (Senate Bill 375). Consistent with the RTP/SCS, the Proposed Project directs anticipated growth away from lower-density neighborhoods and primarily into regional centers and areas served by high-frequency transit service. The Proposed Project includes design regulations that would protect the scale and character of selected lower density and historic neighborhoods of the Downtown Plan Area. The Plan Area is the primary regional center of the City and a prime location for transit-oriented development due to the presence of a high number of jobs, access to retail and entertainment opportunities, and the presence an extensive transit system that includes Union Station, which serves as a central connection to the regional transit system. By directing growth in close proximity to public transit and along major corridors, and away from lower-density residential neighborhoods, physical development is guided toward a desired outcome that is consistent with state, regional and City policies aimed at reducing criteria pollutant and greenhouse gas emissions and would be consistent with the social, economic and aesthetic values of the community.
2. The Proposed Project supports the policies and goals of the General Plan Framework Element related to focusing growth in higher-intensity commercial centers close to transportation and services by creating concentrated, mixed-use development in proximity to transportation corridors and transit stations. For example, Objective 3.15 aims to focus mixed commercial/residential uses, neighborhood-oriented retail, employment opportunities, and civic and quasi-public uses around urban transit stations, while protecting and preserving surrounding low-density neighborhoods from the encroachment of incompatible land uses. The Proposed Project enhances mobility by

focusing future growth in areas well-served by transit, which offers residents, employees, and visitors mobility choices that enable them to reduce the number and length of vehicle trips.

3. The Proposed Project supports policies and goals of the General Plan Framework Element. First, facilitates strategic growth by allowing for the conservation of existing low-scale residential neighborhoods through focusing new residential development in the Downtown Plan Area. This is consistent with Objective 3.7, which aims to provide for the stability and enhancement of multi-family residential neighborhoods and allow for growth in areas where there is sufficient public infrastructure and services and the residents' quality of life can be maintained or improved. Also, the Proposed Project would preserve existing Downtown Plan Area industrial land uses while providing land use designations that can enhance industrial employment opportunities in the Downtown Plan Area. This is consistent with Objective 3.14, which aims to provide land and supporting services for the retention of existing and attraction of new industries. The benefits conferred by development that is served by existing infrastructure and services, as well as connected by transit and pedestrian networks, outweigh the impacts anticipated with development allowed by the Proposed Project. These benefits are not only consistent with the long-term vision of sustainable growth stipulated in the Framework Element, but they also help ensure the continued economic viability of the commercial and industrial districts of the Downtown Plan Area.
4. The Proposed Project protects the quality of life for existing and future residents and confers citywide benefits through goals, policies, and programs designed to incorporate smart growth principles such as creating a range of housing opportunities and transportation choices, providing a mix of land uses, and directing development to areas served by existing infrastructure. The Proposed Project provides for concentrated, mixed-use development adjacent to transit corridors and transit priority areas in order to conserve resources, protect existing residential neighborhoods, and improve air quality by reducing VMT. The Proposed Project would foster thriving transit centers by focusing growth in major transit and commercial areas and by creating walkable, attractive and complete transit-oriented neighborhoods that provide a greater mix of jobs, goods and services, and housing for a range of income levels, including affordable housing, thereby reducing new vehicle trip generation and emissions regionally, as well as vehicle miles traveled relating to new development, and promoting sustainable development in support of Assembly Bill 32 and Senate Bill 375 as well as the Framework Element objectives discussed above. The overall reduction in regional VMT and trip generation would contribute to lowered GHG emissions in the region.
5. The Proposed Project is consistent with Senate Bill 375. While potentially increasing GHG and total daily VMT in the Downtown Plan Area, the Proposed Project implements a condensed development pattern in areas well served by public transit along major corridors, consistent with Senate Bill 375 and the RTP/SCS, and therefore, would contribute to decreasing regional VMT and mobile-source GHG emissions in the region. The total daily VMT per service population in the Plan Area would decrease with the Proposed Project.
6. The Proposed Project is consistent with SCAG's RTP/SCS and would contribute to increasing mobility and sustainability. A specific strategy of the 2016 RTP/SCS is to focus new growth in the region's High Quality

Transit Areas (HQTAs) in order to concentrate roadway repair investments, leverage transit and active transportation investments, reduce regional life cycle infrastructure costs, improve accessibility, avoid greenfield development, and improve public health and housing affordability. The Proposed Project would focus new growth in the Downtown Plan Area, which is well served by public transit. This would help provide for jobs and housing in proximity to one another and would contribute to reducing regional traffic and commute times as compared to the Existing Plan by focusing capacity in close proximity to major transit stations and employment destinations. The Proposed Project directs growth around transit stations where new residential and commercial development can be supported by transportation infrastructure and different types of land uses can be intermingled to reduce the length and number of vehicle trips.

7. The Proposed Project incorporates features to help minimize impacts to historical resources. Implementation of the Community Plan Implementation Overlay (CPIO) District would result in regulatory protections for designated and some eligible historical resources. Implementation of CPIO regulations would protect potential historic resources currently not afforded protections by requiring special review of identified eligible historic properties and by preserving the historic character of certain residential neighborhoods.
8. The Proposed Project responds to the regional housing and homelessness crisis and the corresponding increasing cost of housing in the City of Los Angeles by incentivizing bonus development potential when on-site affordable housing is provided through mixed-income and 100 percent affordable housing projects, thereby increasing housing opportunities within a majority of the Downtown Plan Area.
9. The Proposed Project responds to the need to increase and enhance open space opportunities by promoting the provision of publicly accessible open space by offering development incentives for projects in exchange for providing community benefits such as affordable housing, community facilities and open space.
10. The Proposed Project would facilitate a vibrant employment center in proximity to transit and would encourage a thriving economy with increased employment in a variety of industries. The Proposed Project is consistent with the Sustainable City pLAN and the Green New Deal (the updated Sustainable City pLAN) by accommodating growth while providing transportation options. The Proposed Project concentrates development around transit, allows for and encourages a wide mix of uses, and better accommodates pedestrians. This strategy would result in lower per capita emissions than a less dense growth strategy and would contribute to the City reaching the Sustainable City pLAN reduction target of 45 percent by 2025 and 60 percent by 2035, and the Green New Deal's VMT reduction targets per capita, by at least 13 percent by 2025; 39 percent by 2035; and 45 percent by 2050.
11. The Proposed Project would contribute to improving local mobility by accommodating the development of a balanced, multi-modal transportation network and focusing new development near existing services and infrastructure. The Proposed Project emphasizes a multi-modal approach to mobility that recognizes the benefits (including health and traffic-alleviating benefits) of providing options that encourage walking and transit use. These enhanced mobility options provide a better-connected, user-friendly network representing a more diverse, sustainable transportation network.

12. The Proposed Project is the product of a comprehensive public planning effort that includes community and public input, the City Planning Commission, and the City Council in order to address prevailing housing, neighborhood and community issues. The policies and programs for the Proposed Project are based on public input, as well as collaboration with other City departments, city stakeholders, and other governmental agencies.

Conclusion

Having (i) adopted all feasible mitigation measures, (ii) recognized all significant and unavoidable impacts, (iii) rejected other alternatives to the Proposed Project, and (iv) balanced the specific economic, legal, social, technological, and other benefits of the Proposed Project, including region and statewide environmental benefits, against the Proposed Project's potential significant and unavoidable impacts, the City Council hereby finds that the benefits of the Proposed Project outweigh and override the potential significant and unavoidable impacts for the reasons stated above and that the unavoidable adverse environmental effects may be considered "acceptable."

11 MITIGATION MONITORING PROGRAM

Public Resources Code (PRC) Section 21081.6 and California Environmental Quality Act (CEQA) Guidelines Section 15097 require adoption of a Mitigation Monitoring Program (MMP) for all projects for which an Environmental Impact Report (EIR) has been prepared. Specifically, PRC Section 21081.6 states:

“...the agency shall adopt a reporting or monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment...[and that the program] ...shall be designed to ensure compliance during project implementation.”

CEQA Guidelines Section 15097 provides guidelines for implementing monitoring and reporting programs. Specific monitoring requirements to be enforced during project implementation must be defined prior to final approval of a project by the decision-maker. Although the Lead Agency (the City of Los Angeles) may delegate monitoring responsibilities to other agencies or entities, the Lead Agency “...remains responsible for ensuring that implementation of the mitigation measures occurs in accordance with the program.”

The MMP (Appendix S) describes the procedures for the implementation of the mitigation measures adopted for the Proposed Project. The MMP for the Proposed Project will be in place through the planning horizon of the Downtown Plan (2040) or until the Plan and EIR are updated again, whichever is later. The City of Los Angeles Department of City Planning (DCP) staff and staff of other City Departments (e.g., Department of Building and Safety [DBS]) are responsible for administering the MMP activities or delegating them to consultants or contractors. The Monitoring or Enforcing Agencies identified herein, at their discretion, may require a project applicant or operator to pay for one or more independent professional(s), with any necessary training and qualifications, to be responsible for preparing, reviewing, or certifying any required report, study, analysis, or certification, or monitoring implementation of mitigation measures (e.g., City building inspector, project contractor, certified professionals, etc., depending on the requirements of the mitigation measures) required of project applicants or operators. Monitors would be hired by the City or by the applicant or operator at the City’s discretion.

Each mitigation measure is identified in Table 11-1 and is categorized by environmental topic and corresponding number, with identification of:

The Implementing Party– this is in most cases, the applicant for individual projects who will be required to implement most of the measures subject to City review and approval.

The Enforcement Agency and Monitoring Agency – this is the agency or agencies that will monitor each measure and ensure that it is implemented in accordance with this MMP.

Monitoring Phase/Monitoring Actions – this is the timeframe that monitoring would occur and the criteria that would determine when the measure has been accomplished and/or the monitoring actions to be undertaken to ensure the measure is implemented.

Many of the mitigation measures are implemented through the adoption of environmental protection measures/standards either through the New Zoning Code EPM Handbook process or through the Downtown Community Plan Implementation Overlay District (CPIO in Appendix G). Others may be implemented through the imposition of conditions of approval subject to the City's authority to condition the applicable entitlement for any subsequent environmental review pursuant to CEQA Guidelines Sections 15162, 15163, 15164, or 15168, or tiered clearance to the Downtown Community Plan Update/New Zoning Code for Downtown Community Plan EIR, pursuant to the procedures in CEQA Guidelines Section 15152 or streamlining CEQA Clearance as permitted in PRC Sections 21083, 21094.5, 21155-21155.2, 21155.4 or CEQA Guidelines Sections 15183 or 15183.3.

For the mitigation measures implemented through the CPIO or EPM Handbook shall do all of the following:

Adopt environmental standards or protection measures to implement, and that are consistent with, the mitigation measures; and

Require projects to substantially conform with all applicable environmental standards or environmental protection measures, subject to the discretion of the enforcing and monitoring agency; and

Authorize any City implementing, monitoring or enforcing agency, to require the applicant to hire an outside consultant (which may or shall be subject to City approval) to monitor and certify compliance with the environmental standards or protection measures, or develop any other administrative procedures to ensure compliance with the environmental standards or protection measures, including but not limited to requiring the applicant to sign acknowledgement of environmental standards or protection measures and provide affidavit committing to comply with applicable environmental standard or protection measures, and maintain records for certain period of time and hold records available for City inspection to demonstrate compliance.

For the mitigation measures implemented through the CPIO or EPM Handbook may do the following:

Provide for the modification or a deletion of an environmental standard or protection measure subject to the following:

The development project shall be in substantial conformance with the environmental standard contained in CPIO. The Planning Director may determine substantial conformance with the environmental standard in his or her reasonable discretion. If the Planning Director cannot find substantial conformance, an environmental standard may be modified or deleted if the Planning Director, or the decision maker for a subsequent discretionary project related approval, complies with CEQA Guidelines, including sections 15162 and 15164, by preparing an addendum or subsequent environmental clearance

to analyze the impacts from the modifications to or deletion of the environmental standard. Any addendum or subsequent CEQA clearance shall explain why the mitigation measure is no longer needed, not feasible, or the other basis for modifying or deleting the project design feature or mitigation measure. Under this process, the modification or deletion of a mitigation measure shall not require a modification to any project discretionary approval unless the Planning Director or decisionmaker also finds that the change to the environmental standard requires a modification or other entitlement under the LAMC or other City ordinance or regulation.

Mitigation measures imposed as a condition of approval shall be imposed with a MMP that may include the following provisions:

This MMP shall be enforced throughout all phases of development projects subject to the mitigation measures. The Applicant shall be responsible for implementing each mitigation measure and shall be obligated to provide certification, as identified below, to the appropriate monitoring agency and the appropriate enforcement agency that each project design feature and mitigation measure has been implemented. The Applicant shall maintain records demonstrating compliance with each project design feature and mitigation measure. Such records shall be made available to the City upon request. Further, specifically during the construction phase (including excavation, grading and demolition) and prior to the issuance of building permits, the Applicant shall retain an independent Construction Monitor (either via the City or through a third-party consultant), approved by DCP, who shall be responsible for monitoring implementation of mitigation measures during grading and construction activities consistent with the monitoring phase and frequency set forth in this MMP. The Construction Monitor shall also prepare documentation of the Applicant's compliance with the mitigation measures during grading and construction every 90 days. The documentation must be signed by the Applicant and Construction Monitor and be maintained by the Applicant. The Construction Monitor shall be obligated to immediately report to the Enforcement Agency any non-compliance with the mitigation measures within two business days if the Applicant does not correct the non-compliance within a reasonable time of notification to the Applicant by the monitor or if the non-compliance is repeated. Such non-compliance shall be appropriately addressed by the Enforcement Agency. Until five years after all mitigation measures are fully satisfied, the Applicant and Owner shall maintain all records of mitigation measure compliance (e.g., reports, studies, certifications, verifications, monitoring or mitigation plans) and make the records available for the City's inspection within three business days of the City requesting the records. All records related to grading and construction shall be maintained on the construction site during grading and construction and shall be immediately available for inspection by the City or by the Construction Monitor. The Applicant/Owner shall also sign a Statement of Compliance, in a form approved by the City, prior to issuance of any building permit, committing to compliance with all applicable mitigation measures.

All development projects shall be in substantial conformance with the mitigation measures contained in this MMP. The Enforcement Agency may determine substantial conformance with mitigation measures in the MMP in their reasonable discretion. If the Enforcement Agency cannot find substantial conformance, a mitigation measure may be modified or deleted if the Enforcement Agency, or the decision maker for a subsequent discretionary project related approval, complies with CEQA Guidelines, including sections 15162 and 15164, by preparing an addendum or subsequent environmental clearance to analyze the impacts from the modifications to or deletion of the mitigation measures. Any addendum or subsequent CEQA clearance shall explain why the mitigation measure is no longer needed, not feasible, or the other basis for modifying or deleting the project design feature or mitigation measure. Under this process, the modification or deletion of a mitigation measure shall not require a modification to any project discretionary approval unless the Director of Planning also finds that the change to the mitigation measures results in a substantial change to the Project or the non-environmental conditions of approval.

Table 11-1 Mitigation Monitoring Program

Mitigation Measure/Condition of Approval	Implementing Party	Enforcement and Monitoring Agency	Monitoring Phase and Monitoring Actions ¹
Air Quality			
4.2-2 Construction Emissions Reduction			
The City shall require Plan Area construction-related activity to comply with the following and require the developers to notify any contractors, and include in any agreements with contractors and subcontractors, the following, or equivalent, best management practices in construction specifications: Dust Control Compliance with SCAQMD Rule 403. For any project whose construction activities involve the use of construction equipment and require a permit from LADBS, consistent with SCAQMD Rule 403, best available dust control measures shall be implemented during ground disturbance activities and active construction operations capable of generating dust. Equipment Maintenance. For any project whose construction activities involve the use of construction equipment and require a permit from LADBS, maintain construction equipment in good, properly tuned operating condition, as specified by the manufacturer, to minimize exhaust emissions. Documentation demonstrating that the equipment has been maintained in accordance with the manufacturer's specifications shall be maintained per the proof of compliance requirements in Subsection I.D.6 of the Environmental Protection Measures Handbook. All construction equipment shall achieve emissions reductions that are no less than what could be achieved by a Tier 3 diesel emissions control strategy for a similarly sized engine as defined by California Air Resources Board regulations. Vehicle Idling Limit and Notification Signs. For any project whose construction activities involve the use of construction vehicles and require a permit from LADBS, vehicle idling during construction activities shall be limited to five minutes as set forth in the California Code of Regulations, Title 13, Section 2449. Signs shall be posted in areas where they will be seen by vehicle operators stating idling time limits. Non-Diesel Fueled Electrical Power. For any project whose construction activities involve the use of construction equipment and require a permit from LADBS, electricity from power poles rather than temporary gasoline or diesel-powered generators shall be used To the Extent Available and Feasible. Emissions Standards for Off-Road Construction Equipment Greater than 50 Horsepower. For any project whose construction activities involve the use of construction	Applicant for individual project	DCP, DBS	Prior to issuance of grading or building permits submittal of plans with measure on plans, collection of acknowledgement by owner and notice to contractors; subject to inspection by DBS; maintenance of records of compliance for at least five years after issuance of certificate of occupancy; enforcement of violations available through LAMC at City discretion.

¹ The Monitoring Phase/Monitoring Actions are applicable to projects that are subject to the measures as described within each measure.

Mitigation Measure/Condition of Approval	Implementing Party	Enforcement and Monitoring Agency	Monitoring Phase and Monitoring Actions ¹
equipment, require a permit from LADBS, and involve at least 5,000 cubic yards of on-site cut/fill on any given day, all off-road diesel-powered construction equipment equal to or greater than 50 horsepower shall meet the U.S. Environmental Protection Agency's (USEPA) Tier 4 emission standards during construction. Operators shall maintain records of all off-road equipment associated with Project construction to document that each piece of equipment used meets these emission standards per the proof of compliance requirement in Subsection I.D.6 of the Environmental Protection Measures Handbook. In lieu of compliance with the above requirement, an air quality study prepared in accordance with the SCAQMD's Air Quality Handbook may be provided by the Applicant or Owner demonstrating that Project construction activities would not exceed the SCAQMD's regional and localized construction thresholds. Use of Low Polluting Fuels. For any project whose construction activities involve the use of construction equipment, require a permit from LADBS, and involve at least 5,000 cubic yards of on-site cut/fill on any given day, construction equipment less than 50 horsepower shall use low polluting fuels (i.e., compressed natural gas, liquid petroleum gas, and unleaded gasoline). In lieu of compliance with the above requirement, an air quality study prepared in accordance with the SCAQMD's Air Quality Handbook may be provided by the Applicant or Owner demonstrating that project construction activities would not exceed the SCAQMD's regional and localized construction thresholds. Emission Standards for On-Road Haul Trucks. For any project whose construction activities involve the use of construction equipment, require a permit from LADBS, and involve more than 90 round-trip haul truck trips on any given day for demolition debris and import/export of soil, construction haul truck operators for demolition debris and import/export of soil shall use trucks that meet the California Air Resources Board's (CARB) 2010 engine emissions standards at 0.01 g/bhp-hr of particulate matter (PM) and 0.20 g/bhp-hr of nitrogen oxides (NOX) emissions. Operators shall maintain records of all trucks associated with Project construction to document that each truck used meets these emission standards per the proof of compliance requirements in Subsection I.D.6 of the Environmental Protection Measures Handbook. In lieu of compliance with the above requirement, an air quality study prepared in accordance with the SCAQMD's Air Quality Handbook may be provided by the Applicant or Owner demonstrating that Project construction activities would not exceed the SCAQMD's regional and localized construction thresholds. Routes for On-Road Haul Trucks. For any project whose construction activities involve the use of construction vehicles and require a permit from LADBS, construction contractors shall reroute construction trucks away from congested streets or Sensitive Uses, as feasible. The burden of proving that compliance is infeasible shall be upon the Applicant or Owner. Where avoiding Sensitive Uses and congested streets altogether is infeasible, routing away from Sensitive Uses shall be prioritized over routing away from congested streets.			

Mitigation Measure/Condition of Approval	Implementing Party	Enforcement and Monitoring Agency	Monitoring Phase and Monitoring Actions ¹
4.2-3 Distribution Facility Health Risk Assessment			
Applicants for distribution centers in the Downtown Plan Area within 1,000 feet of sensitive land uses that require discretionary permits and would accommodate more than 100 truck trips or 40 transport refrigeration units (TRUs) per day shall prepare health risk assessments (HRAs) per SCAQMD and OEHHA guidance to identify the potential for cancer and non-cancer health risks. If cancer risks exceeding SCAQMD standards are identified, the applicant shall identify ways to reduce risks. Methods may include, but are not limited to, limiting the number of trucks/TRUs, locating distribution center entry and exit points as far as possible from sensitive land uses, and routing truck traffic away from sensitive land uses.	Applicant for individual project	DCP	Prior to project approval: review HRA
Biological Resources			
4.3-1(a) Biological Resources Reconnaissance Survey and Reporting			
If any active bird nest is found during a pre-construction nesting bird survey or is discovered inadvertently during earthwork or construction-related activities, a Qualified Biologist shall be retained by the Applicant or Owner to determine an appropriate avoidance buffer which shall be no less than is necessary to protect the nest, eggs and/or fledglings, from damage or disturbance in consideration of the following factors: the bird species, the availability of suitable habitat within the immediate area, the proposed work activity, and existing disturbances associated with surrounding land uses. The buffer shall be demarcated using bright orange construction fencing, flagging, construction lathe, or other means to mark the boundary of the buffer. All construction personnel shall be notified of the buffer zone and shall avoid entering the protected area. No Ground Disturbing Activities or vegetation removal shall occur within this buffer area until the Qualified Biologist has confirmed that breeding/nesting is complete and the young have fledged the nest and/or that the nest is no longer an Active Nest. The Qualified Biologist shall prepare a report prior to the issuance of any building permit detailing the results of the nesting bird survey and subsequent monitoring, which shall be maintained for at least five years after certificate of occupancy.	Applicant for individual project	DBS	Prior to issuance of grading or building permits submittal of plans with measure on plans, collection of acknowledgement by owner and notice to contractors; subject to inspection by DBS; maintenance of records of compliance for at least five years after issuance of certificate of occupancy; enforcement of violations available through LAMC at City discretion.

Mitigation Measure/Condition of Approval	Implementing Party	Enforcement and Monitoring Agency	Monitoring Phase and Monitoring Actions ¹
4.3-1(b) Notification			
All project applicants will be notified of and shall include on their plans an acknowledgement of the requirement to comply with the federal MBTA and CFGC to not destroy active bird nests and of best practices recommended by qualified biologist to avoid impacts to active nests, including checking for nests prior to construction activities during February 1-August 31 and what to do if an active nest is found, including inadvertently during grading or construction activities. Such best practices shall include giving an adequate construction and grading buffer to avoid the active nest during construction, such as the following: Best Practices for Biological Resources The following best practices are recognized by biologists to ensure Active Nests are not damaged or disturbed during construction or ground disturbance activities, which is a violation of the Federal Migratory Bird Treaty Act and the State Fish and Game Code. Adherence to these best practices is recommended as applicable and feasible. Pre-Construction Survey. For any Project requiring demolition of a structure or removal of a tree or vegetation during the bird nesting season (February 1 to August 31), a pre-construction nesting bird survey of all suitable habitat shall be conducted no more than 10 days prior to the initiation of demolition or tree or vegetation removal to determine if nesting birds are present. The pre-construction nesting bird survey shall be conducted on foot within the Project site boundaries by a Qualified Biologist. Buffer for Active Nests. If any active bird nest is found during a pre-construction nesting bird survey, a Qualified Biologist shall recommend an avoidance buffer which shall be no less than is necessary to protect the nest, eggs and/or fledglings, from damage or disturbance in consideration of the following factors: the bird species, the availability of suitable habitat within the immediate area, the proposed work activity, and existing disturbances associated with surrounding land uses. The buffer shall be demarcated using bright orange construction fencing, flagging, construction lathe, or other means to mark the boundary of the buffer. All construction personnel shall be notified of the buffer zone and shall avoid entering the protected area. No Ground Disturbing Activities or vegetation removal shall occur within this buffer area until the Qualified Biologist has confirmed that breeding/nesting is complete and the young have fledged the nest and/or that the nest is no longer an Active Nest.	DBS	DBS	Prior to issuance of grading permit: review plans for acknowledgement of the requirement to comply with MBTA and CFGC to not destroy active bird nests and best practices to avoid impacts to active nests
4.3-1(c) Elysian Park All discretionary projects in the Downtown Plan Area that are within 200 feet of Elysian Park are required to do a preconstruction nesting bird survey of all suitable habitat within a 100-foot buffer around the construction site no more than ten days prior to the initiation of ground disturbance and vegetation removal for any grading or construction activity initiated during	Applicant for individual project.	DBS	Prior to issuance of grading or building permits submittal of plans with measure on plans; subject to inspection by DBS; enforcement available through LAMC at City discretion.

Mitigation Measure/Condition of Approval	Implementing Party	Enforcement and Monitoring Agency	Monitoring Phase and Monitoring Actions ¹
the bird nesting season (February 1-August 31) and to comply with the best practices identified in BIO MM 4.3-1(b).			
Cultural Resources			
4.4-2(a) Archaeological Resources Evaluation and Avoidance/Recovery			
For discretionary projects that are excavating previously undisturbed land or below previously excavated depths, all reasonable methods shall be used to determine the potential that archaeological or tribal cultural resources are present on the project site, including thorough searches of databases and records, surveys, and/or consultation with local tribe(s) with ancestral ties to the project area. If there is a medium to high potential that resources are located on the project site and it is possible that resources will be impacted, a Qualified Archaeologist shall monitor and direct all excavation, grading or other ground disturbance activities to identify any resources and avoid potential impacts to such resources.	Applicant for individual project.	DCP	Prior to discretionary project approval: verify that the applicant has conducted appropriate searches of databases and records, surveys, and/or consultation with local tribe(s) with ancestral ties to the project area and, as needed, identified methods to avoid impacts to significant archaeological resources.
4.4-2(b) Archaeological Assessment			
For any project that requires a permit for grading or excavation, if a possible archaeological resource is uncovered during earthwork or construction, all work shall cease within a minimum distance of 50 feet from the find until a Qualified Archaeologist has been retained to evaluate the find in accordance with National Register of Historic Places and California Register of Historical Resources criteria. The Qualified Archaeologist may adjust this avoidance area, ensuring appropriate temporary protection measures of the find are taken while also considering ongoing construction needs in the surrounding area. Temporary staking and delineation of the avoidance area shall be installed around the find in order to avoid any disturbance from construction equipment. Ground Disturbance Activities may continue unimpeded on other portions of the site outside the specified radius. Any potential archaeological resource or associated materials that are uncovered shall not be moved or collected by anyone other than an Archaeological Monitor or Qualified Archaeologist unless the materials have been determined to be non-unique archaeological resources, as defined in Public Resources Code Section 21083.1(h), by the Qualified Archaeologist. The Qualified Archaeologist shall determine if the resources are unique archaeological resources as defined in Public Resources Code Section 21083.2(g). Consistent with Public Resources Code Section 21083.2, the handling, treatment, preservation, and recordation of unique archaeological resources should occur as follows:	Applicant for individual project	DBS	Prior to issuance of grading or building permits submittal of plans with measure on plans, collection of acknowledgement by owner and notice to contractors; subject to inspection by DBS; maintenance of records of compliance for at least five years after issuance of certificate of occupancy; enforcement of violations available through LAMC at City discretion.

Mitigation Measure/Condition of Approval	Implementing Party	Enforcement and Monitoring Agency	Monitoring Phase and Monitoring Actions ¹
The find should be preserved in place or left in an undisturbed state unless the Project would damage the resource. When preserving in place or leaving in an undisturbed state is not possible, excavation and recovery of the find for scientific study should occur unless testing or studies already completed have adequately recovered the scientifically consequential information from and about the resource, and this determination is documented by a Qualified Archaeologist. Ground disturbance activities in the area where resource(s) were found may recommence once the identified resources are properly assessed and processed by a Qualified Archaeologist. A report that describes the resource(s) and its disposition, as well as the assessment methodology, shall be prepared by the Qualified Archaeologist according to current professional standards and maintained for at least five years after certificate of occupancy. If appropriate, the report should also contain the Qualified Archaeologist's recommendations for the preservation, conservation, and curation of the resource at a suitable repository, such as the Natural History Museum of Los Angeles County, with which the Applicant or Owner must comply.			
4.4-2(c) Notification of Intent to Excavate Language			
For all projects not subject to mitigation measure 4.4-2(a) or 4.4-2(b) that are seeking excavation or grading permits, the Department of Building and Safety shall issue the following notice and obtain an acknowledgement of receipt of the notice from applicants: California Penal Code Section 622.5 provides the following: "Every person, not the owner thereof, who willfully injures, disfigures, defaces, or destroys any object or thing of archeological or historical interest or value, whether situated on private lands or within any public park or place, is guilty of a misdemeanor." The following best practices are recognized by archaeologists and environmental consultants to ensure archaeological resources are not damaged during grading, excavation, or other Ground Disturbance Activities: ○ Records Search. A cultural resources records search should be requested from and conducted by the California Historical Resources Information System's (CHRIS) South Central Coastal Information Center (SCCIC) located at California State University, Fullerton to determine whether any cultural resources have been previously identified on or within a 0.5-mile radius of the Project site. The results of this records search shall be used as an indicator of the archaeological sensitivity of the Project site. ○ A Qualified Archaeologist shall be retained and use all reasonable methods, consistent with professional standards and best practices, to	DBS	DCP, DBS	Prior to issuance of excavation or grading permits: verify receipt of acknowledgement from applicant.

Mitigation Measure/Condition of Approval	Implementing Party	Enforcement and Monitoring Agency	Monitoring Phase and Monitoring Actions ¹
determine the potential for archaeological resources to be present on the Project site. ○ If the Qualified Archaeologist determines there is a medium to high potential that archaeological resources may be located on the Project site and it is possible that such resources will be impacted by the Project, the Qualified Archaeologist shall advise the Applicant and Owner to retain an Archaeological Monitor to observe all Ground Disturbance Activities within those areas identified as having a medium to high potential in order to identify any resources and avoid potential impacts to such resources. ○ Monitoring. An Archaeological Monitor should monitor excavation and grading activities in soils that have not been previously disturbed in order to identify and record any potential archaeological finds and avoid potential impacts to such resources. In the event of a possible archaeological discovery, the Archaeological Monitor shall notify a Qualified Archaeologist. The Archaeological Monitor has the authority to temporarily halt earthwork activities. ○ Handling, Evaluation, and Preservation. Any archaeological resource materials or associated materials that are uncovered shall not be moved or collected by anyone other than an Archaeological Monitor or Qualified Archaeologist unless they have been determined to be nonunique archaeological resources, as defined in Public Resources Code Section 21083.1(h) by a Qualified Archaeologist. A Qualified Archaeologist shall determine if the resources are unique archaeological resources as defined in Public Resources Code Section 21083.2(g). ○ Consistent with Public Resources Code Section 21083.2, the handling, treatment, preservation, and recordation of unique archaeological resources should occur as follows: The find should be preserved in place or left in an undisturbed state unless the Project would damage the resource. When preserving in place or leaving in an undisturbed state is not possible, excavation and recovery of the find for scientific study should occur unless testing or studies already completed have adequately recovered the scientifically consequential information from and about the resource, and this determination is documented by a Qualified Archaeologist. If recommended by the Qualified Archaeologist, the resource(s) shall be curated by a public, non-profit institution with a research interest in the material, such as the Natural History			

Mitigation Measure/Condition of Approval	Implementing Party	Enforcement and Monitoring Agency	Monitoring Phase and Monitoring Actions ¹
Museum of Los Angeles County or another appropriate curatorial facility for educational purposes. Ground Disturbance Activities in the area where resource(s) were found may recommence once the identified resources are properly assessed and processed by a Qualified Archaeologist.			
4.4-2(d) Zanja Madre HAER Documentation			
Any projects that require a permit for grading or excavation and that is located within one mile of the currently known and mapped segments of the Zanja Madre system (as shown in Appendix S to FEIR) shall comply with the following: Projects within 500 feet of the currently mapped known segments of the Zanja system (see Appendix S) have increased likelihood of encountering segments of the Zanja system during construction. The Zanja system includes the Zanja Madre and its outbranching secondary segments. If possible, segments of the Zanja system are uncovered during earthwork or construction, all work shall cease within a minimum distance of 50 feet from the find until a Qualified Archaeologist has been retained to inspect and evaluate the find. The Qualified Archaeologist may adjust this avoidance area, ensuring appropriate temporary protection measures of the find are taken while also considering ongoing construction needs in the surrounding area. Temporary staking and delineation of the avoidance area shall be installed around the find in order to avoid any disturbance from construction equipment. Ground Disturbance Activities may continue unimpeded on other portions of the site outside the specified radius. At a minimum, and even if avoided, should the find be determined to be related to the Zanja system, the Qualified Archaeologist shall prepare a memo and complete all relevant State of California Department of Parks and Recreation (DPR) 523 forms documenting the find. If the Qualified Archaeologist, having evaluated the find, determines that the find retains integrity, documentation consistent with the standards and guidelines established the Historic American Engineering Record (HAER) shall be undertaken and transmitted to the Library of Congress before any alteration, demolition, construction, or removal activity may occur within the determined avoidance area. Documentation shall include narrative records, measured drawings, and photographs in conformance with HAER Guidelines. The found segments shall also be mapped using Geographic Information Systems (GIS) or 3D mapping technology in order to contribute to the existing record of the location and extent of the Zanja system as a whole. At minimum, GIS data shall include the geographic coordinates and depth of all portions of the find. All records, including geographic data, georeferenced photographs, and information about the depth of the find shall be submitted to City Planning. Report	Applicant for individual project	DBS DCP, Office of Historic Resources (OHR)	During grading/construction: field as needed, verify that field verify that work is halted to assess possible archaeological resources and avoidance buffers are demarcated and enforced. Once find has been determined to be related to the Zanja system: review and approve the memo and all relevant DPR 523 forms documenting the find. Once find has been determined to retain integrity: review and approve the documentation that is consistent with HAER standards and guidelines. Submit documentation to the Library of Congress, SCCIC, and DCP prior to any alteration, demolition, construction, or removal activity within the avoidance area. Verify that appropriate treatments determined by the archaeologist for the find are implemented.

Mitigation Measure/Condition of Approval	Implementing Party	Enforcement and Monitoring Agency	Monitoring Phase and Monitoring Actions ¹
documentation and GIS files shall additionally be provided to the South Central Coastal Information Center (SCCIC) located at California State University, Fullerton. In addition to HAER documentation, if determined appropriate by the Qualified Archaeologist, one or more of the following specific treatments shall be developed and implemented based on potential California Register eligibility criteria or the significance of the find as a unique archaeological resource: Treatment Under Criterion 1: Treatment shall include interpretation of the Zanja system for the public. The interpretive materials may include, but not be limited to, interpretive displays of photographs and drawings produced during the HAER documentation, signage at the Zanja Madre alignment, relocating preserved segments in a publicly accessible display, or other visual representations of Zanja alignments through appropriate means such as a dedicated internet website other online-based materials. At a minimum, the interpretive materials shall include photographs and drawings produced during the HAER documentation and signage. These interpretive materials shall be employed as part of Project public outreach efforts that may include various forms of public exhibition and historic image reproduction. Additionally, the results of the historical and archaeological studies conducted for the Project shall be made available to the public through repositories such as the local main library branch or with identified non-profit historic groups interested in the subject matter. The interpretive materials shall be prepared at the expense of the Project applicant, by professionals meeting the Secretary of the Interior's Professional Qualifications Standards in history or historical archaeology. The development of the interpretive materials shall consider any such materials already available to the public so that the development of new materials would add to the existing body of work on the historical Los Angeles water system, and to this end, shall be coordinated, to the extent feasible and to the satisfaction of the Department of City Planning, in consultation with the Office of Historic Resources. The interpretive materials shall include a consideration of the Zanja segment located on the Project Site in relation to the entire Zanja system. The details of the interpretive materials, including the content and format, and the timing of their preparation, shall be completed to the satisfaction and subject to the approval of the Department of City Planning, in consultation with the Office of Historic Resources. Treatment Under Criterion 2: No additional work; archival research about important persons directly associated with the construction and use of the Zanja system would be addressed as part of HAER documentation. Treatment Under Criterion 3: No additional work; HAER documentation is sufficient. Treatment Under Criterion 4: No additional work; archaeological data recovery and HAER documentation are sufficient. Treatment as a unique archaeological resource, as defined by PRC Section 21083.2(g): Same as Criterion 1 treatment.			

Mitigation Measure/Condition of Approval	Implementing Party	Enforcement and Monitoring Agency	Monitoring Phase and Monitoring Actions ¹
Geology and Soils			
4.6-6(a) Paleontological Resources			
For all discretionary projects that are excavating earth for two or more subterranean levels within previously undisturbed land or below previously excavated depths within native soils, a determination shall be made using all reasonable methods to determine the potential that paleontological resources are present on the project site, including through searches of databases and records, and surveys. If there is a medium to high potential that paleontological resources are located on the project site and it is possible that these resources will be impacted, monitoring will be conducted for all excavation, grading or other ground disturbance activities to identify any resources and avoid potential impacts to such resources as follows: Paleontological Worker Environmental Awareness Program (WEAP). Prior to the start of construction, the Qualified Paleontologist or paleontological monitor shall conduct training for construction personnel regarding the appearance of fossils and the procedures for notifying paleontological staff should fossils be discovered by construction staff. In the event of a fossil discovery by construction personnel, all work in the immediate vicinity of the find shall cease and a qualified paleontologist shall be contacted to evaluate the find before restarting work in the area. If it is determined that the fossil(s) is(are) scientifically significant, the paleontological monitor shall complete the next two steps. Fossil Salvage. The Qualified Paleontologist or designated paleontological monitor shall recover intact fossils. Typically fossils can be safely salvaged quickly by a single paleontologist and not disrupt construction activity. In some cases larger fossils (such as complete skeletons or large mammal fossils) require more extensive excavation and longer salvage periods. In this case the paleontologist shall have the authority to temporarily direct, divert or halt construction activity to ensure that the fossil(s) can be removed in a safe and timely manner. Any fossils shall be handled and deposited consistent with a mitigation plan prepared by the paleontological monitor. Paleontological Resource Construction Monitoring. Additional ground disturbing construction activities (including grading, trenching, foundation work and other excavations) in undisturbed sediments, below five feet, with high paleontological sensitivity shall be monitored on a full-time basis by a Qualified Paleontologist or designated paleontological monitor during initial ground disturbance. If the paleontological monitor determines that full-time monitoring is no longer warranted, he or she may recommend that monitoring be reduced to periodic spot-checking or cease entirely. Monitoring shall be reinstated if any new or unforeseen deeper ground disturbances are required.	Applicant for individual project	DCP, DBS	Prior to project approval: verify that the applicant has conducted surveys and searches of databases and records and as needed, identified methods to avoid impacts to significant paleontological resources; measures on plans.

Mitigation Measure/Condition of Approval	Implementing Party	Enforcement and Monitoring Agency	Monitoring Phase and Monitoring Actions ¹
4.6-6(b) Treatment of Paleontological Resources			
For any project that requires a permit for grading or excavation, if a probable paleontological resource is uncovered during earthwork or construction, all work shall cease within a minimum distance of 50 feet from the find until a Qualified Paleontologist has been retained to evaluate the find in accordance with the Society of Vertebrate Paleontology's Standard Procedures for the Assessment and Mitigation of Adverse Impacts to Paleontological Resources. Temporary flagging shall be installed around the find in order to avoid any disturbance from construction equipment. Any paleontological materials that are uncovered shall not be moved or collected by anyone other than a Qualified Paleontologist or his/her designated representative such as a Paleontological Monitor. If cleared by the Qualified Paleontologist, Ground Disturbance Activities may continue unimpeded on other portions of the site. The found deposit(s) shall be treated in accordance with the Society of Vertebrate Paleontology's Standard Procedures. Ground Disturbance Activities in the area where resource(s) were found may recommence once the identified resources are properly assessed and processed by Qualified Paleontologist. A report that describes the resource and its disposition, as well as the assessment methodology, shall be prepared by the Qualified Paleontologist according to current professional standards and maintained for at least five years after certificate of occupancy. If appropriate, the report should also contain the Qualified Paleontologist's recommendations for the preservation, conservation, and curation of the resource at a suitable repository, such as the Natural History Museum of Los Angeles County, with which the Applicant or Owner must comply.	Applicant for individual project	DBS	Prior to issuance of grading or building permits submittal of plans with measure on plans, collection of acknowledgement by owner and notice to contractors; subject to inspection by DBS; maintenance of records of compliance for at least five years after issuance of certificate of occupancy; enforcement of violations available through LAMC at City discretion. If resources found and have been properly assessed and processed: review and approve the report that documents assessment, processing of resources, and recommending actions.
4.6-6(c) Notification of Intent to Excavate Language			
For all projects not subject to 4.6-6(a) that are seeking excavation or grading permits, the Department of Building and Safety shall issue the following notice and obtain an acknowledgement of receipt of the notice from applicants: California Penal Code Section 622.5 provides the following: "Every person, not the owner thereof, who willfully injures, disfigures, defaces, or destroys any object or thing of archeological or historical interest or value, whether situated on private lands or within any public park or place, is guilty of a misdemeanor." PRC Section 5097.5 provides protection for cultural and paleontological resources, where Section 5097.5(a) states, in part, that: "No person shall knowingly and willfully excavate upon, or remove, destroy, injure, or deface, any historic or prehistoric ruins, burial grounds, archaeological or vertebrate paleontological site, including fossilized footprints, inscriptions made by human agency, rock art, or any other archaeological, paleontological or historical feature, situated on public lands, except with the express permission of the public agency having jurisdiction over the lands."	DBS	DBS	Prior to issuance of excavation or grading permits: verify receipt of acknowledgement from applicant.

Mitigation Measure/Condition of Approval	Implementing Party	Enforcement and Monitoring Agency	Monitoring Phase and Monitoring Actions ¹
California Code of Regulations, Title 14, Section 4307 states that “no person shall remove, injure, deface or destroy any object of paleontological, archaeological, or historical interest or value.” Section 1427 “recognizes that California’s archaeological resources are endangered by urban development and population growth and by natural forces....Every person, not the owner thereof, who willfully injures, disfigures, defaces, or destroys any object or thing of archaeological or historical interest or value, whether situated on private lands or within any public park of place, is guilty of a misdemeanor. It is a misdemeanor to alter any archaeological evidence found in any cave, or to remove any materials from a cave.” The following best practices are recognized by paleontologists and environmental consultants to ensure paleontological resources are not damaged during construction or Ground Disturbance Activities: A paleontological resources records search shall be requested from and conducted by the Natural History Museum of Los Angeles County to determine whether any paleontological resources have been previously identified on or near the Project site. The results of this records search shall be used as an indicator of the paleontological sensitivity of the Project site. A Qualified Paleontologist shall be retained and use all reasonable methods, consistent with professional standards and best practices, to determine the potential for paleontological resources to be present on the Project site. If the Qualified Paleontologist determines there is a high potential that paleontological resources may be located on the Project site and it is possible that such resources will be impacted by the Project, the Qualified Paleontologist or his/her designated representative such as a Paleontological Monitor shall observe all Ground Disturbance Activities within those areas identified as having an undetermined or high potential in order to identify any resources and avoid potential impacts to such resources. In the event of a possible paleontological discovery, the Qualified Paleontologist or Paleontological Monitor shall have the authority to temporarily halt earthwork activities within an appropriate radius of the find, as determined by the Qualified Paleontologist, necessary to protect the resource or other potential resources on or near the Project site. Temporary flagging shall be installed around the find in order to avoid any disturbance from construction equipment. Prior to the start of construction, the Qualified Paleontologist or his/her designee shall conduct training for construction personnel regarding the appearance of fossils and the procedures for notifying paleontological staff should fossils be discovered by construction staff. If paleontological resources are uncovered (in either a previously disturbed or undisturbed area), all work should cease in the area of the find until a Qualified Paleontologist has evaluated the find in accordance with federal, state, and local guidelines, including the			

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Society of Vertebrate Paleontology's Standard Procedures for the Assessment and Mitigation of Adverse Impacts to Paleontological Resources (SVP, 2010). If fossils are discovered, a Qualified Paleontologist shall recover them. Typically, fossils can be safely salvaged quickly by a single paleontologist and not disrupt construction activity. In some cases, larger fossils (such as complete skeletons or large mammal fossils) require more extensive excavation and longer salvage periods. In this case the paleontologist has the authority to temporarily direct, divert or halt construction activity to ensure the fossil(s) can be removed in a safe and timely manner. Handling and disposition of fossils is done at the direction and guidance of a Qualified Paleontologist. Personnel of the Project should not collect or move any paleontological materials or associated materials. If cleared by the Qualified Paleontologist, construction activity may continue unimpeded on other portions of the Project site. Construction activities in the area where resources were found may commence once the identified resources are properly assessed and processed by a Qualified Paleontologist, and the Qualified Paleontologist clears the site for construction activity.			
Hazards and Hazardous Materials			
4.8-4(a) Unanticipated Hazards			
For any project that requires a grading, excavation, or building permit from LADBS, in the event that suspected Hazardous Materials, contamination, debris, or other features or materials that could present a threat to human health or the environment are discovered during earthwork or construction, such activities shall cease immediately until the affected area is evaluated by a Qualified Environmental Professional. If the Qualified Environmental Professional determines that a hazard exists, a remediation plan shall be developed by the Qualified Environmental Professional in consultation with the appropriate regulatory agency, and the remediation identified shall be completed. Work shall not resume in the affected area until appropriate actions have been implemented in accordance with the remediation plan, to the satisfaction of the regulatory agency. A report that describes the Hazardous Materials, contamination or debris and its disposition, shall be prepared by the Qualified Environmental Professional, according to current professional standards and maintained for at least five years after certificate of occupancy is issued.	Applicant for individual project	DBS Other enforcement agencies as applicable: SWRQCB, DTSC, LACoFD, LAFD	Prior to issuance of grading or building permits submittal of plans with measure on plans, collection of acknowledgement by owner and notice to contractors; maintenance of records of compliance for at least five years after issuance of certificate of occupancy; enforcement of violations available through LAMC at City discretion. If materials found and have been properly evaluated: review and approve the remediation plan and verify that the appropriate regulatory agency/agencies have approved the plan. Verify receipt

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			of any needed agency sign off on remediation plan.
4.8-4(b) Environmental Site Assessment(s)			
The site assessment requirements that follow apply to any project that requires a grading, excavation, or building permit from LADBS and which is: Located on or within 500 feet of a Hazardous Materials site listed in any of the following databases: - State Water Resources Control Board GeoTracker (refer to https://geotracker.waterboards.ca.gov); - DTSC EnviroStor (refer to https://www.envirostor.dtsc.ca.gov/public); - DTSC Hazardous Waste Tracking System (refer to https://hwts.dtsc.ca.gov); - LAFD Certified Unified Program Agency (refer to the active, inactive, and historical inventory lists at https://www.lafd.org/fire-prevention/cupa/public-records); - Los Angeles County Fire Department Health Hazardous Materials Division (refer to the active and inactive facilities, site mitigation, and California Accidental Release Prevention inventory lists at https://fire.lacounty.gov/public-records-requests); - SCAQMD Facility Information Detail (refer to https://xappprod.aqmd.gov/find); or Located on or within 500 feet of a Hazardous Materials site designated as a Resource Conservation and Recovery Act (RCRA) Small Quantity Generator or Large Quantity Generator (refer to the USEPA Envirofacts database at https://enviro.epa.gov/index.html); or Located in an Oil Drilling District (O) or located on or within 50 feet of a property identified as having an oil well or an oil field (active or inactive) by the California Geologic Energy Management Division (refer to https://www.conservation.ca.gov/calgem/Pages/WellFinder.aspx); or Located on land currently or previously designated with an industrial use class or industrial zoning, in whole or in part; or Located on land currently or previously used for a gas station or dry cleaning facility. Or: The Applicant or Owner are aware or have reason to be aware that the Project site was previously used for an industrial use, gas station or dry cleaner.	Applicant for individual project	DBS, Los Angeles Fire Department (LAFD) Other enforcement agencies as applicable: SWRQCB, DTSC, LACoFD	Prior to issuance of grading or building permits submittal of plans with measure on plans, collection of acknowledgement by owner and notice to contractors; subject to inspection by DBS; maintenance of records of compliance for at least five years after issuance of certificate of occupancy; enforcement of violations available through LAMC at City discretion. Prior to issuance of grading, excavation, or building permits: review and approve the Phase I Environmental Site Assessment (ESA). If no recognized environmental conditions (REC) are identified, no further documentation is required. If the Phase I ESA identifies a REC and/or if recommended in the Phase I ESA, review and approve a Phase II ESA. If the Phase II ESA indicates the need for remediation, review and approve a remediation plan. If oversight or approval from a regulatory agency is required, verify agency sign off on remediation plan and that a No Further Action letter has been issued.

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And: The site has not been previously remediated to the satisfaction of the relevant regulatory agency/agencies for any contamination associated with the above uses or site conditions. A Phase I Environmental Site Assessment shall be prepared by a Qualified Environmental Professional in accordance with State standards/guidelines and current professional standards, including the American Society for Testing and Materials' (ASTM) Standard Practice for Environmental Site Assessments, to evaluate whether the site, or the surrounding area, is contaminated with hazardous substances from any past or current land uses, including contamination related to the storage, transport, generation, or disposal of toxic or Hazardous Waste or materials. If the Phase I identifies a Recognized Environmental Condition (REC) and/or if recommended in the Phase I, a Phase II Environmental Site Assessment shall also be prepared by a Qualified Environmental Professional. The Phase I and/or Phase II Environmental Site Assessment(s) shall be maintained for at least five years after certificate of occupancy is issued and made available for review and inclusion in the case file by the appropriate regulatory agency, such as the State Water Resources Control Board, the State Department of Toxic Substances Control, or the LAFD Hazard Mitigation Program. Any remediation plan recommended in the Phase II Environmental Site Assessment or by the appropriate regulatory agency shall be implemented and, if required, a No Further Action letter shall be issued by the appropriate regulatory agency prior to issuance of any permit from LADBS, unless the regulating agency determines that remedial action can be implemented in conjunction with excavation and/or grading. If oversight or approval by a regulatory agency is not required, the Qualified Environmental Professional shall provide written verification of compliance with and completion of the remediation plan, such that the site meets the applicable standards for the proposed use, which shall be maintained for at least five years after certificate of occupancy.			If oversight or approval from a regulatory agency is not required, review and approve the written verification of compliance with and completion of the remediation plan.
Noise			
4.11-1(a) Project-Specific Noise Study			
The noise study requirement that follows applies to any project whose earthwork or construction activities involve the use of construction equipment and require a permit from LADBS; are located within 500 feet of Noise-Sensitive Uses; and have one or more of the following characteristics: Two or more subterranean levels; 20,000 cubic yards or more of excavated material;	Applicant for individual projects	DBS	Prior to issuance of grading or building permits submittal of plans with measure on plans, collection of acknowledgement by owner and notice to contractors; subject to inspection by DBS; maintenance of records of compliance for at

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Simultaneous use of five or more pieces of construction equipment; or Construction duration (excluding architectural coatings) of 18 months or more. Construction activities involving impact pile driving or the use of 300 horsepower equipment. A Noise Study prepared by a Qualified Noise Expert shall be required and prepared prior to obtaining any permit by LADBS. The Noise Study shall characterize expected sources of earthwork and construction noise that may affect identified Noise-Sensitive Uses, quantify expected noise levels at these Noise-Sensitive Uses, and recommend measures to reduce noise exposure to the extent noise reduction measures are available and feasible, and to demonstrate compliance with any noise requirements in the LAMC. Specifically, the Noise Study shall identify noise reduction devices or techniques to reduce noise levels in accordance with accepted industry practices and in compliance with LAMC standards. Noise reduction devices or techniques shall include but not be limited to mufflers, shields, sound barriers, and time and place restrictions on equipment and activities. The Noise Study shall identify anticipated noise reductions at Noise-Sensitive Uses associated with the noise reduction measures. Applicants and Owners shall be required to implement and comply with all measures identified and recommended in the Noise Study. The Noise Study and copies of any contractor agreements shall be maintained <u>for at least five years after certificate of occupancy is issued</u>.			least five years after issuance of certificate of occupancy; enforcement of violations available through LAMC at City discretion.
4.11-1(b) Noise Shielding and Muffling			
For any project whose earthwork or construction activities involve the use of construction equipment and require a permit from LADBS, power construction equipment (including combustion engines), fixed or mobile, shall be equipped with noise shielding and muffling devices consistent with manufacturers' standards or the Best Available Control Technology. All equipment shall be properly maintained, and the Applicant or Owner shall require any construction contractor to keep documentation on-site during any earthwork or construction activities demonstrating that the equipment has been maintained in accordance with manufacturer's specifications.	Applicant of individual project	DBS	Prior to issuance of grading or building permits submittal of plans with measure on plans, collection of acknowledgement by owner and notice to contractors; subject to inspection by DBS; maintenance of records of compliance for at least five years after issuance of certificate of occupancy; enforcement of violations available through LAMC at City discretion.
4.11-1(c) Use of Driven Pile Systems			

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For any project whose earthwork and construction activities involve the use of construction equipment and require a permit from LADBS, driven (impact) pile systems shall not be used, except in locations where the underlying geology renders drilled piles, sonic, or vibratory pile drivers infeasible, as determined by a soils or geotechnical engineer and documented in a soils report.	Applicant of individual project	DBS	Prior to issuance of grading or building permits submittal of plans with measure on plans, collection of acknowledgement by owner and notice to contractors; subject to inspection by DBS; maintenance of records of compliance for at least five years after issuance of certificate of occupancy; enforcement of violations available through LAMC at City discretion.
4.11-1(d) Enclosure or Screening of Outdoor Mechanical Equipment			
For any project whose earthwork or construction activities involve the use of construction equipment and require a permit from LADBS, all outdoor mechanical equipment (e.g., generators, compressors) shall be enclosed or visually screened. The equipment enclosure or screen shall be impermeable (i.e., solid material with minimum weight of 2 pounds per square feet) and break the line of sight between the equipment and any off-site Noise-Sensitive Uses.	Applicant of individual project	DBS	Prior to issuance of grading or building permits submittal of plans with measure on plans, collection of acknowledgement by owner and notice to contractors; subject to inspection by DBS; maintenance of records of compliance for at least five years after issuance of certificate of occupancy; enforcement of violations available through LAMC at City discretion.

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4.11-1(e) Location of Construction Staging Areas			
For any project whose earthwork or construction activities involve the use of construction equipment and require a permit from LADBS, construction staging areas shall be located as far from Noise-Sensitive Uses as reasonably possible and technically feasible in consideration of site boundaries, topography, intervening roads and uses, and operational constraints. The burden of proving what constitutes 'as far as possible' shall be upon the Applicant or Owner, in consideration of the above factors.	Applicant of individual project	DBS	Prior to issuance of grading or building permits submittal of plans with measure on plans, collection of acknowledgement by owner and notice to contractors; subject to inspection by DBS; maintenance of records of compliance for at least five years after issuance of certificate of occupancy; enforcement of violations available through LAMC at City discretion.
4.11-1(f) Temporary Walls			
For any project whose earthwork and construction activities involve the use of construction equipment and require a permit from LADBS; and whose construction activities are located within a line of sight to and within 500 feet of Noise-Sensitive Uses, with the exception of projects limited to the construction of 2,000 square feet or less of floor area dedicated to residential uses, noise barriers, such as temporary walls (minimum ½-inch thick plywood), sound blankets (minimum STC 25 rating), that are a minimum of eight feet tall, shall be erected between construction activities and Noise-Sensitive Uses as reasonably possible and technically feasible in consideration of site boundaries, topography, intervening roads and uses, and operational constraints. The burden of proving that compliance is technically infeasible shall be upon the Applicant or Owner. Technical infeasibility shall mean that noise barriers cannot be located between construction activities and Noise-Sensitive Uses due to site boundaries, topography, intervening roads and uses, and/or operational constraints.	Applicant of individual project	DBS	Prior to issuance of grading or building permits submittal of plans with measure on plans, collection of acknowledgement by owner and notice to contractors; subject to inspection by DBS; maintenance of records of compliance for at least five years after issuance of certificate of occupancy; enforcement of violations available through LAMC at City discretion.
4.11-2(a) Vibration Control Plan			
This measure applies to any project, with the exception of projects limited to the construction of 2,000 square feet or less of floor area dedicated to residential uses, whose earthwork or construction activities: (1) involve the use of construction equipment, including Heavy Construction Equipment, that produces 0.12 PPV or more of vibration at a distance of 25 feet (see reference vibration levels in Appendix S - Environmental Protection Measures Handbook); (2) require a permit from LADBS; and (3) which occur:	Applicant of individual project	DBS	Prior to issuance of grading or building permits submittal of plans with measure on plans, collection of acknowledgement by owner and notice to contractors; subject to inspection by DBS; maintenance of records of compliance for at

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Within 25 feet of any building extremely susceptible to vibration damage, including unreinforced masonry buildings, tilt-up concrete wall buildings, wood-frame multi-story buildings with soft, weak or open front walls, and non-ductile concrete buildings, or a building that is designated or determined to be a historic resource pursuant to local or state law or that is determined to be potentially eligible for historic designation in a Historic Resources Survey; or Within 15 feet of non-engineered timber and masonry buildings. Or any Project whose construction activities involve the use of pile drivers within 135 feet of any building extremely susceptible to vibration damage, including existing unreinforced masonry buildings, existing tilt-up concrete wall buildings, existing wood-frame multi-story buildings with soft, weak or open front walls, and existing non-ductile concrete buildings, or a building that is designated or determined to be a historic resource pursuant to local or state law or that is determined to be potentially eligible for historic designation in a Historic Resources Survey. Prior to demolition, grading/excavation, or construction, a Qualified Structural Engineer shall prepare a survey establishing baseline structural conditions of potentially affected structures and a Vibration Control Plan, which shall include methods to minimize vibration, including, but not limited to: A visual inspection of the potentially affected structures to document (by video and/or photography) the apparent physical condition of the building (e.g., cracks, broken panes, etc.). A shoring design to protect the identified structures from potential damage; Use of drilled piles or a sonic vibratory pile driver rather than impact pile driving, when the use of vibrating equipment is unavoidable; Use of rubber-tired equipment rather than metal-tracked equipment; and Avoiding the use of vibrating equipment when allowed by best engineering practice.			least five years after issuance of certificate of occupancy; enforcement of violations available through LAMC at City discretion.
4.11-2(b) Best Management Practices for Vibration			
For projects that are not required to comply with Mitigation Measure 4.11-2(a), the City shall notify developers of the following best management practices to reduce damage to vibration-sensitive uses: Impact pile drivers shall be avoided to eliminate excessive vibration levels. Drilled piles or the use of a sonic vibratory pile driver are alternatives that shall be utilized where geological conditions permit their use. Construction activities shall involve rubber-tired equipment rather than metal-tracked equipment.	DBS	DBS	Prior to construction: verify that developers have been notified of best management practices to reduce damage to vibration-sensitive uses.

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The construction contractor shall manage construction phasing (scheduling demolition, earthmoving, and ground-impacting operations so as not to occur in the same time period), use low-impact construction technologies, and shall avoid the use of vibrating equipment when allowed by best engineering practices.			
4.11-2(c) Repair of Damage			
This measure applies to any project, with the exception of projects limited to the construction of 2,000 square feet or less of floor area dedicated to residential uses, whose earthwork or construction activities: (1) involve the use of construction equipment, including Heavy Construction Equipment, that produces 0.12 PPV or more of vibration at a distance of 25 feet (see reference vibration levels in Appendix S); (2) require a permit from LADBS; and (3) which occur: Within 25 feet of any building extremely susceptible to vibration damage, including unreinforced masonry buildings, tilt-up concrete wall buildings, wood-frame multi-story buildings with soft, weak or open front walls, and non-ductile concrete buildings, or a building that is designated or determined to be a historic resource pursuant to local or state law or that is determined to be potentially eligible for historic designation in a Historic Resources Survey; or Within 15 feet of non-engineered timber and masonry buildings. Or any Project whose construction activities involve the use of pile drivers within 135 feet of any building extremely susceptible to vibration damage, including existing unreinforced masonry buildings, existing tilt-up concrete wall buildings, existing wood-frame multi-story buildings with soft, weak or open front walls, and existing non-ductile concrete buildings, or a building that is designated or determined to be a historic resource pursuant to local or state law or that is determined to be potentially eligible for historic designation in a Historic Resources Survey. In the event of damage to any non-historic building due to construction vibration, as verified by the Qualified Structural Engineer, a letter describing the damage to the impacted building(s) and recommendations for repair shall be prepared by the Qualified Structural Engineer within 60 days of the time when damage occurred. Repairs shall be undertaken and completed, at the Owner's or Applicant's expense, in conformance with all applicable codes. In the event of vibration damage to any building that is designated or determined to be a historical resource pursuant to local or state law or that is determined to be potentially eligible for historic designation in a Historic Resources Survey, a letter describing the damage to the impacted building(s) and recommendations for repair shall be prepared by the Qualified Historian within 60 days of the time when damage occurred. Repairs shall be undertaken and completed, at the Owner's or Applicant's expense, in conformance with the	Applicant of individual project	DCP, DBS	Prior to issuance of grading or building permits submittal of plans with measure on plans, collection of acknowledgement by owner and notice to contractors; subject to inspection by DBS; maintenance of records of compliance for at least five years after issuance of certificate of occupancy; enforcement of violations available through LAMC at City discretion. During repairs: repairs to historical buildings are undertaken and completed in conformance with the California Historical Building Code and the Secretary of the Interior's Standards for the Treatment of Historic Properties.

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California Historical Building Code (Title 24, Part 8) as well as the Secretary of the Interior's Standards for the Treatment of Historic Properties and associated guidelines, as applicable and as determined by the Qualified Historian.			
Tribal Cultural Resources			
4.16-1(a) Native American Consultation and Monitoring for Discretionary Projects			
For all discretionary projects where excavation could extend below previously disturbed levels, notification shall be provided to California Native American tribes that are traditionally and culturally affiliated with the geographic area of the project site and have submitted a written request to the Department of City Planning to be notified of proposed projects in that area. If the potential for tribal resources exists, excavation in previously undisturbed soils shall be monitored by a qualified tribal monitor.	DCP, Applicant for individual project	DCP, OHR; DBS, California Native American tribes	Prior to project approval: verify that required notification to California Native American tribes has been conducted; as needed, impose condition monitoring by Tribal monitor if needed; DBS to ensure requirement on plans; subject to enforcement under LAMC at City discretion.
4.16-1(b) Inadvertent Discovery If a possible tribal cultural resource is uncovered during earthwork or construction, all work shall cease within a minimum distance of 50 feet from the find until a Qualified Tribal Monitor or Archaeological Monitor has been retained to evaluate the find. Following discovery, the Applicant or Owner shall immediately contact all Native American tribes that have informed the City of Los Angeles they are traditionally and culturally affiliated with the geographic area of the Project, as well as the Department of City Planning, Office of Historic Resources (OHR). If a Qualified Tribal Monitor or Archaeological Monitor determines, pursuant to Public Resources Code Section 21074(a)(2), that the object or artifact appears to be a potential tribal cultural resource, in its discretion and supported by substantial evidence, the Applicant and Owner shall provide any affected tribe a reasonable period of time, not less than five business days, to conduct a site visit and make recommendations to the Applicant or Owner and OHR regarding the monitoring of future Ground Disturbance Activities and the treatment and disposition of any discovered tribal cultural resources. The Applicant or Owner shall implement the tribe's recommendations if the Qualified Tribal Monitor or Archaeological Monitor reasonably concludes such recommendations are reasonable and feasible.	Applicant for individual project	DBS, DCP/OHR	Prior to issuance of grading or building permits submittal of plans with measure on plans, collection of acknowledgement by owner and notice to contractors; subject to inspection by DBS; maintenance of records of compliance for at least five years after issuance of certificate of occupancy; enforcement of violations available through LAMC at City discretion.

Mitigation Measure/Condition of Approval	Implementing Party	Enforcement and Monitoring Agency	Monitoring Phase and Monitoring Actions ¹
Consistent with Public Resources Code Section 21083.2, the handling, treatment, preservation, and recordation of tribal cultural resources should occur as follows: The find should be preserved in place or left in an undisturbed state unless the Project would damage the resource. When preserving in place or leaving in an undisturbed state is not possible, excavation and recovery of the find for scientific study should occur unless testing or studies already completed have adequately recovered the scientifically consequential information from and about the resource, and this determination is documented by a Qualified Tribal Monitor or Qualified Archaeologist. All collected artifacts and fieldwork notes, if not human remains or other mortuary objects, shall be curated at the Natural History Museum of Los Angeles County or another appropriate curatorial facility for educational purposes. If cleared by the Qualified Tribal Monitor or Archaeological Monitor, Ground Disturbance Activities may continue unimpeded on other portions of the site. Ground Disturbance Activities in the area where resource(s) were found may recommence once the identified resources are properly assessed and processed. A report that describes the resource and its disposition, as well as the assessment methodology shall be prepared by the Qualified Tribal Monitor or Archaeological Monitor, according to current professional standards and maintained for at least five years after the certificate of occupancy is issued. A copy of the report shall be submitted to OHR, the South Central Coastal Information Center at California State University, Fullerton and to the Native American Heritage Commission for inclusion in its Sacred Lands File. If requested by the City, OHR may review and approve any monitoring or mitigation plan prior to implementation.			
4.16-1(c) Notices for Non-Discretionary Projects			
For all projects not subject to 4.16-1(a) that are seeking excavation or grading permits, the Department of Building and Safety shall issue the following notice and obtain an acknowledgment of receipt of the notice from applicants: Several federal and state laws regulate the treatment of tribal resources and make it a criminal violation to destroy those resources. These include, but are not limited to: ○ California Penal Code Section 622.5 provides the following: “Every person, not the owner thereof, who willfully injures, disfigures, defaces, or destroys any object or thing of archeological or historical interest or value, whether situated on private lands or within any public park or place, is guilty of a misdemeanor.” Public Resources Code Section 5097.5 (a) states, in part, that:	DBS	DBS	Prior to issuance of excavation or grading permits: verify receipt of acknowledgement from applicant.

Mitigation Measure/Condition of Approval	Implementing Party	Enforcement and Monitoring Agency	Monitoring Phase and Monitoring Actions ¹
- No person shall knowingly and willfully excavate upon, or remove, destroy, injure, or deface, any historic or prehistoric ruins, burial grounds, archaeological or vertebrate paleontological site, including fossilized footprints, inscriptions made by human agency, rock art, or any other archaeological, paleontological or historical feature, situated on public lands, except with the express written permission of the public agency having jurisdiction over the lands. The following best practices are recognized by tribal monitors and environmental consultants to ensure that tribal cultural resources are not damaged during grading, excavation, or other Ground Disturbance Activities: - A Sacred Lands File (SLF) records search shall be requested from and conducted by the California Native American Heritage Commission (NAHC) to determine whether cultural resources associated with any Native American tribe(s) with traditional lands or cultural places located within or near the Project site have been previously identified or whether the Project area is considered sensitive for the presence of tribal cultural resources. - All tribes listed on the NAHC's Native American Contact List included with the SLF records search shall be contacted, informed of the Project, and given an opportunity to provide input. If the tribe provides substantial evidence of a potential for discovery of tribal cultural resources within the Project site and requests monitoring of Project excavation, grading or other Ground Disturbance Activities, a Qualified Tribal Monitor or an Archaeological Monitor shall be retained. - The Qualified Tribal Monitor or Archaeological Monitor shall observe all Ground Disturbance Activities within those areas identified in the records search as sensitive for the presence of tribal cultural resources in order to identify any resources and avoid potential impacts to such resources. In the event of a possible discovery of a tribal cultural resource, the Qualified Tribal Monitor or Archaeological Monitor shall have the authority to temporarily halt earthwork activities within an appropriate radius of the find, as determined by the Qualified Tribal Monitor or Qualified Archaeologist to ensure the find is not damaged or any other potential tribal cultural resources on or near the Project site. - If tribal cultural resources are uncovered, all work should cease in the appropriate radius determined by the Qualified Tribal Monitor or Archaeological Monitor.			

Mitigation Measure/Condition of Approval	Implementing Party	Enforcement and Monitoring Agency	Monitoring Phase and Monitoring Actions ¹
○ Any find should be treated with appropriate dignity and protected and preserved as appropriate with the agreement of the Qualified Tribal Monitor and in accordance with federal, state, and local guidelines. ○ The location of the tribal cultural resource find and the type and nature of the find should not be published beyond providing the information to public agencies with jurisdiction or responsibilities related to the resources and any affected tribal representatives. ○ Personnel of the Project should not collect or move any tribal cultural resources or associated materials or publish the location of tribal cultural resources. ○ Following discovery, the Applicant or Owner shall immediately contact all Native American tribes that have informed the City of Los Angeles they are traditionally and culturally affiliated with the geographic area of the Project, as well as the Department of City Planning, Office of Historic Resources (OHR). ○ The Applicant and Owner shall provide any affected tribe a reasonable period of time, not less than five business days, to conduct a site visit and make recommendations to the Applicant or Owner regarding the monitoring of future Ground Disturbance Activities and the treatment and disposition of any discovered tribal cultural resources. ○ The Applicant or Owner shall implement the tribe's recommendations if the Qualified Tribal Monitor or Archaeological Monitor reasonably concludes such recommendations are reasonable and feasible and determined to be supported with substantial evidence. ○ Consistent with Public Resources Code Section 21083.2, the handling, treatment, preservation, and recordation of tribal cultural resources shall occur as follows: The find shall be preserved in place or left in an undisturbed state unless the Project would damage the resource. When preserving in place or leaving in an undisturbed state is not possible, excavation and recovery of the find for scientific study shall occur unless testing or studies already completed have adequately recovered the scientifically consequential information from and about the resource, and this determination is documented by a Qualified Tribal Monitor or Qualified Archaeologist. ○ All collected artifacts and fieldwork notes, if not human remains or other mortuary objects, shall be curated at the Natural History Museum of Los Angeles County or another appropriate curatorial facility.			

Mitigation Measure/Condition of Approval	Implementing Party	Enforcement and Monitoring Agency	Monitoring Phase and Monitoring Actions ¹
○ If cleared by the Qualified Tribal Monitor or Archaeological Monitor, Ground Disturbance Activities may continue unimpeded on other portions of the site. Ground Disturbance Activities in the area where resource(s) were found may recommence once the identified resources are properly assessed and processed.			