

# **Boyle Heights Community Plan Update**

## **Findings of Fact and Statement of Overriding Considerations**

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## 1. INTRODUCTION

California Environmental Quality Act (CEQA) – The following Findings of Fact (Findings) have been prepared for the Boyle Heights Community Plan Update (“Revised Plan” or “Revised 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 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.*

*State 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.*

## **2. FINDINGS**

Unless specified otherwise, references to the EIR for the Revised Project<sup>1</sup> in this document includes the Draft EIR and the Final EIR, including the Findings document.

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

### **A. General Findings**

As identified in **Section 2.0, Executive Summary**, of the Draft EIR, Alternative 3, the Land Use Mix Alternative is the Environmentally Superior Alternative based on its ability to result in incrementally reduced environmental impacts and meet project objectives. Alternative 3 would include the same high level of TOD development as the Proposed Plan with the added benefit of increased housing for the region and reducing VMT. As Alternative 3 would have greater overall development than the Proposed Plan, it would result in greater impacts to public services and utilities as these topic areas are largely driven by population and Alternative 3 would increase the number of housing units and population compared to the Proposed Plan. Although this alternative would not reduce any of the significant impacts of the Proposed Plan, it would meet the project objectives, even if to a lesser degree. This is because it has more environmental benefits related to greenhouse gases and energy use and sustainable development patterns than the other alternatives. Alternative 3 would allow new housing opportunities in the area of the Community Plan Area (CPA) closest to Downtown Los Angeles, which is a major employment center and transit hub for the wider region. Due to the proximity to Downtown Los Angeles and new infrastructure investments in the River-Adjacent area, specifically the new 6th Street Viaduct Replacement Project (bridge) and 6th Street PARC Project, it is reasonably foreseeable that new housing development within the CPA would likely occur in the River-Adjacent area, which could lessen overall impacts to temporary construction (air quality and noise) in other areas of the CPA.

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<sup>1</sup> “Revised Project” and “Revised Plan” are used interchangeably in these Findings of Fact and Statement of Overriding Considerations (SOC).

On December 5, 2023, the City Council's Planning and Land Use Management Committee (PLUM Committee) recommended approval of the Boyle Heights Community Plan Update (BHCPU) with amendments, and on December 12, 2023 the City Council considered approval of the recommendations of the PLUM Committee, with additional amendments. Amendments recommended by the PLUM Committee include those set forth in the Director of Planning Technical Memo to PLUM Committee letter dated November 28, 2023, that were outlined as Options II.A through II.E, as well as additional recommendations submitted by Council District 14 (CD 14) at the PLUM Committee and City Council meetings. The changes to Alternative 3 are provided in the staff report dated January 11, 2024, and the Technical Modifications/Corrections to the staff report dated January 9, 2024. As described in the staff report accompanying these findings, the City has determined, based on the evidence in the record, that Alternative 3 would be the environmentally superior alternative and is being selected as the Project (herein referred to as Revised Project).

### ***EIR Findings***

The Council ratifies, adopts, and incorporates the analysis and explanations in the EIR (inclusive of the Draft EIR and 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.

### ***Response 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 *State 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 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 are described in detail in **Section 2.0, Corrections and Additions**, of the Final EIR.

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

The Revised 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***

#### **Cumulatively Considerable Net Increase**

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

#### *Description of Significant Effect(s)*

The Revised Project would result in a significant and unavoidable project and cumulative impacts related to a cumulatively considerable net increase of criteria pollutants for which the region is non-attainment under an applicable federal or state ambient air quality standard, including releasing emissions which

exceed quantitative thresholds for ozone precursors during construction (nitrogen oxides [NO<sub>x</sub>]) and during operations (VOC) (see Draft EIR pages 4.2-39 through 4.2-53; 4.2-66 through 4.2-67; 5.0-45 through 5.0-46).

Adopted Mitigation Measure(s)

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

- MM AQ-1
- MM AQ-2
- MM AQ-3
- MM AQ-4
- MM AQ-5
- MM AQ-6
- MM AQ-7
- MM AQ-8
- MM AQ-9
- MM AQ-10

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 MM AQ-1** through **MM AQ-8** would substantially reduce average equipment and vehicle emissions. However, individual large development projects or multiple smaller projects within the CPA may exceed the SCAQMD regional significance threshold for NO<sub>x</sub> despite emission reductions from implementation of the **Mitigation Measure MM AQ-1** through **MM AQ-8**.

No feasible mitigation measures were available to reduce the long-term (operational) VOC emissions associated with the implementation of the Revised Project to below SCAQMD thresholds. Similarly, no feasible mitigation measures were identified to reduce the significant impacts related or regional NO<sub>x</sub> emissions from construction to below SCAQMD thresholds.

No additional mitigation measures were identified to reduce this significant impact during construction to less than significant levels and meet the project objectives. The SCAQMD suggested the following mitigation measures to further reduce emissions from future construction and operation activities:

***Construction***

Require the use of electric or alternative-fueled (i.e., non-diesel) construction equipment, if available, including but not limited to, concrete/industrial saws, pumps, aerial lifts, material hoist, air compressors, forklifts, excavator, wheel loader, and soil compactors.

- *Explanation:* The City finds that such a mitigation measure is technically infeasible as the potential for impacts is based on many variables including the year of construction activities, the amount of equipment used per day, and the daily number of truck trips.

Owners and operators of future development projects shall maintain records of all trucks associated with project construction to document that each truck used meets these emission standards and make the records available for inspection. The Lead Agency should conduct regular inspections of future development projects.

- *Explanation:* The City finds that such a mitigation measure is technically infeasible as the City does not have the legal jurisdiction to ensure that on-road vehicles meet federal and State emissions standards.

Provide electric vehicle (EV) charging stations or, at a minimum, provide the electrical infrastructure and electrical panels shall be appropriately sized. Electrical hookups should be provided for trucks to plug in any onboard auxiliary equipment.

- *Explanation:* The City finds that such a mitigation measure is technically infeasible as all future projects will be required to comply with the California Building Code, Title 24 requirements, which require electric vehicle charging stations.

Provide temporary traffic controls such as a flag person, during all phases of significant construction activity to maintain smooth traffic flow, where necessary.

- *Explanation:* The City finds that such a mitigation measure is technically infeasible as the Department of Transportation requires traffic controls during the permitting process for specific projects, when applicable.

Provide dedicated turn lanes for the movement of construction trucks and equipment on- and off-site, where applicable.

- *Explanation:* The City finds that such a mitigation measure is technically infeasible as the City Department of Transportation requires traffic controls during the permitting process for specific projects, when applicable.

Ensure that vehicle traffic inside the project site is as far away as feasible from sensitive receptors.

- *Explanation:* The City finds that such a mitigation measure is technically infeasible as development sites within the CPA lack space to accommodate this recommendation.

Reduce traffic speeds on all unpaved roads to 15 miles per hour (mph) or less.

- *Explanation:* The City finds that such a mitigation measure is technically infeasible as it is related to fugitive dust control; and all construction projects located within the City are required to comply with SCAQMD Rule 403 (Fugitive Dust), which ensures comprehensive control of fugitive dust emissions in the Air Basin.

Suspend all excavating and grading operations when wind speeds (as instantaneous gusts) exceed 25 mph.

- *Explanation:* The City finds that such a mitigation measure is technically infeasible as it is related to fugitive dust control; and all construction projects located within the City are required to comply with SCAQMD Rule 403 (Fugitive Dust), which ensures comprehensive control of fugitive dust emissions in the Air Basin.

Suspend use of all construction activities that generate air pollutant emissions during first stage smog alerts.

- *Explanation:* The City finds that such a mitigation measure is technically infeasible as it is not practical or reasonable to suspend all construction activities on any given day within the 4,371-acre CPA.

Configure construction parking to minimize traffic interference.

- *Explanation:* The City finds that such a mitigation measure is technically infeasible as the City's Department of Transportation requires traffic controls during the permitting process for specific projects, when applicable.

Require covering of all trucks hauling dirt, sand, soil, or other loose materials.

- *Explanation:* The City finds that such a mitigation measure is technically infeasible as it is related to fugitive dust control; and all construction projects located within the City are required to comply

with SCAQMD Rule 403 (Fugitive Dust), which ensures comprehensive control of fugitive dust emissions in the Air Basin.

Install wheel washers where vehicles enter and exit the construction site onto paved roads or wash off trucks and any equipment leaving the site for each trip.

- *Explanation:* The City finds that such a mitigation measure is technically infeasible as it is related to fugitive dust control; and all construction projects located within the City are required to comply with SCAQMD Rule 403 (Fugitive Dust), which ensures comprehensive control of fugitive dust emissions in the Air Basin.

Apply non-toxic soil stabilizers according to manufacturers' specifications to all inactive construction areas (previously graded areas inactive for ten days or more).

- *Explanation:* The City finds that such a mitigation measure is technically infeasible as it is related to fugitive dust control; and all construction projects located within the City are required to comply with SCAQMD Rule 403 (Fugitive Dust), which ensures comprehensive control of fugitive dust emissions in the Air Basin.

- Replace ground cover in disturbed areas as quickly as possible to minimize dust.

- *Explanation:* The City finds that such a mitigation measure is technically infeasible as it is related to fugitive dust control; and all construction projects located within the City are required to comply with SCAQMD Rule 403 (Fugitive Dust), which ensures comprehensive control of fugitive dust emissions in the Air Basin.

Pave roads and road shoulders, where applicable.

- *Explanation:* The City finds that such a mitigation measure is technically infeasible as it is related to fugitive dust control; and all construction projects located within the City are required to comply with SCAQMD Rule 403 (Fugitive Dust), which ensures comprehensive control of fugitive dust emissions in the Air Basin.

Sweep streets at the end of the day with South Coast AQMD Rule 1186 and 1186.1 compliant sweepers if visible soil is carried onto adjacent public paved roads (recommend water sweepers that utilize reclaimed water).

- *Explanation:* The City finds that such a mitigation measure is technically infeasible as it is related to fugitive dust control; and all construction projects located within the City are required to comply

with SCAQMD Rule 403 (Fugitive Dust), which ensures comprehensive control of fugitive dust emissions in the Air Basin.

### *Operation*

Require ZE or near-zero emissions (NZE) heavy-duty trucks for future development projects during operation. Given the State's clean truck rules and regulations aiming to accelerate the utilization and market penetration of ZE and NZE trucks, such as the Advanced Clean Trucks Rule and the Heavy-Duty Low NOx Omnibus Regulation, ZE and NZE trucks will become increasingly more available to use. The Lead Agency can and should require future development projects to have a phase-in schedule to incentivize these cleaner operating trucks to reduce any significant adverse air quality impacts. South Coast AQMD staff is available to discuss the availability of current and upcoming truck technologies and incentive programs.

- *Explanation:* The City finds that such a mitigation measure is technically infeasible as this would require a massive turnover of the private on-road haul truck vehicle fleet from older engines to new zero-emissions or near-zero emission trucks. These trucks are not currently readily available in Los Angeles County and not in the numbers that would support the intensity of construction activities in the CPA and throughout the City, although this is expected to change with time. The City is not best situated to do rulemaking on the best available control technology as an expert agency on air pollution control measures. The City finds it is infeasible as a policy matter to expend resources to regulate fleet emissions. Fleet emissions for vehicles that provide a regional service is best regulated by the CARB or the SCAQMD. For example, the SCAQMD already has rules that are relevant to certain vehicle fleets (e.g., Rule 1196 (Clean On-Road Heavy-Duty Public Fleet Vehicles) and the CARB has regulations applicable to truck emissions (e.g., Heavy-Duty (Tractor-Tractor) Greenhouse Gas Regulation). Additionally, it is infeasible to create a fleet emission requirement for one community plan out of 34, and for one City not the entire air basin or economic region. It would be unreasonable from a policy perspective for the City to invest the necessary resources to develop a program mandating truck requirements within the CPA, which would require expending significant funds for research and development and rulemaking activities. The City finds that expending these resources is not supported by standard practices under CEQA and that it would not be appropriate to divert funding when CARB and the SCAMQD already maintain robust emission control strategies.

Require future development projects to provide electrical infrastructure and electrical panels, which should be appropriately sized. Electrical hookups should be provided for truckers to plug in any onboard auxiliary equipment. Maximize use of solar energy by installing solar energy arrays.

- *Explanation:* The City finds that such a mitigation measure is technically infeasible as all new land use development in the City complies with laws and regulations related to electrical infrastructure (e.g., Title 24). LADWP is responsible for power supply and compliance with SB 350 (Clean Energy and Pollution Reduction Act of 2015). The City has an aggressive goal for 100% renewable energy by 2045 that is independent of the Revised Project. For example, former Los Angeles Mayor Eric Garcetti’s plan to phase out three gas-fired power plants by 2029 is expected to accelerate the transition by the largest municipal utility in the nation to 100% renewable energy.

In addition, the Los Angeles Green Building Code includes up-to-date solar requirements mandated by the State. The City finds this measure as infeasible as a policy matter to the extent it is inconsistent with other City plans and policies to reduce energy use and attain its renewable energy goals.

Limit the daily number of trucks allowed at future development projects to the levels analyzed in the subsequent, project-level environmental analyses for these projects. If higher daily truck volumes are anticipated to visit the site, an additional analysis should be done through CEQA prior to allowing this higher activity level.

- *Explanation:* The City finds that such a mitigation measure is technically infeasible as the potential for impacts is based on many variables including the year of construction activities, the amount of equipment used per day, and the daily number of truck trips. It is not possible to develop a truck limit that would reduce emission from every project to a less-than-significant impact given the variables. Projects will be assessed on a case-by-case basis for potential impacts that may require truck volume limitations.

Use light colored paving and roofing materials.

- *Explanation:* The City finds that such a mitigation measure is technically infeasible as the City has a cool roof ordinance as part of the Los Angeles Green Building Code; the ordinance does not mandate specific color palettes or materials but allows for flexibility as long as products are in line with the Cool Roofs Rating Council.

Utilize only Energy Star heating, cooling, and lighting devices, and appliances.

- *Explanation:* The City finds that such a mitigation measure is technically infeasible as the City has a Green Building Code that incorporates Energy Star features into new construction. Refer to the Energy Efficiency subsection of Divisions 4 (Residential Mandatory Measures) and 5 (Nonresidential Mandatory Measures) of Article 9 in the LAMC Green Building Code.

Use of water-based or low VOC cleaning products that go beyond the requirements of South Coast AQMD Rule 1113.

- *Explanation:* The City finds that such a mitigation measure is technically infeasible as the regional availability of water-based and low VOC cleaning products should be regulated by the SCAQMD, similar to SCAQMD Rule 1113 for Architectural Coatings. Unlike the SCAQMD, the City does not have the expertise or resources to identify and enforce a ban on the VOC content of cleaning products. It would not be feasible or responsible for the City to expend resources for program development to the extent that the SCAQMD already does as the regulatory authority. The City finds such a measure therefore infeasible as a policy matter as it is undesirable to use City resources needed elsewhere to develop a rulemaking process requiring technical air pollution expertise and understanding of the industry. The City also finds it is infeasible to develop new rules on cleaning products at the community plan level.

Design considerations that the Lead Agency should consider and include in the Final EIR for future development projects to further reduce air quality and health risk impacts include the following:

Design future development projects such that any truck check-in point is inside the site to ensure no trucks are queuing outside.

- *Explanation:* The City finds that such a mitigation measure is technically infeasible as the Community Plan sets a land use and zoning framework for the CPA and does not include prescriptive design elements. Further, the small size of many of the lots in the CPA make truck check in points impractical and infeasible at the project level.

Design a future development project to ensure that truck traffic inside the project site is as far away as feasible from sensitive receptors.

- *Explanation:* The City finds that such a mitigation measure is technically infeasible as the CPA is a dense urban environment. The CPA has a residential population of approximately 86,000 and a population density of approximately 13,000 people per square mile making it one of the most densely populated communities in Los Angeles. Development sites within the CPA lack space to address this recommendation.

Restrict overnight truck parking in sensitive land uses by providing overnight truck parking inside the future development project site.

- *Explanation:* The City finds that such a mitigation measure is technically infeasible as the intent of the proposed measure is unclear, however, during the construction phase trucks are anticipated to be parked on site.

Create buffer zones between warehouses and sensitive land uses.

- *Explanation:* The City finds that such a mitigation measure is technically infeasible as the CPA is a dense urban environment. The CPA has a residential population of approximately 86,000 and a population density of approximately 13,000 people per square mile making it one of the most densely populated communities in Los Angeles. Development sites within the CPA lack space to address this recommendation. The Revised Project aims to provide mixed-use development along the western portion of the CPA and improves land use compatibility with Hybrid Industrial land uses which allow for ongoing light industrial uses and new housing.

#### *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 would result in less development in the CPA and thus, lower construction and operational emissions in the CPA, as compared to the Revised Project; however, while emissions would be less overall, they would still exceed significance thresholds for construction related NOx emissions and operational VOC emissions. Alternative 2 would result in more development and therefore may result in greater operational emissions. Alternative 4 would result in less development but would not be subject to the same mitigation measures and therefore would have greater impacts to NOx. All mitigation measures identified for the Proposed Plan would also apply to Alternatives 1, 2, and 3 (see Draft EIR pages 5.0-6 through 5.0-62). No mitigation measures would apply to Alternative 4. As discussed below in **Section E, Findings for Alternatives to the Project**, the City rejects Alternatives 1, 2, and 4; and adopts Alternative 3 as the Revised Project.

#### *Conclusions*

No additional feasible mitigation measures or alternatives were identified to reduce the significant impacts for construction related NOx emissions and operational VOC emissions.

The City finds that changes or alterations have been required, or incorporated into the Revised Project that substantially lessens the significant impact associated with construction. However, it is reasonable to assume that the Revised Project could generate emissions exceeding the significance threshold for construction related NOx emissions despite implementation of **Mitigation Measures MM AQ-1 through MM AQ-8**. No feasible mitigation measures were identified for operation VOC emissions.

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 the Revised Project construction related NOx emissions and operational VOC emission impacts to a less than significant level.

**Sensitive Receptors (Operation)**

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

Description of Significant Effect(s)

The Revised Project would result in significant and 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 and warehouses (see Draft EIR pages 4.2-61 to 4.2-62 and 4.2-67, and 5.0-45 to 5.0-46).

Adopted Mitigation Measure(s)

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

- **MM AQ-1** through **AQ-8**
- **MM AQ-9**
- **MM AQ-10**

Finding(s)

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

- Finding 1
- Finding 3

Rationale for Finding

*Mitigation*

Application of **Mitigation Measure MM AQ-9** would reduce impacts associated with distribution centers and warehouses with high volumes of trucking activity to the degree feasible. However, it cannot be determined that distribution centers or large warehouses with high trucking volumes would not result in health risks exceeding the SCAQMD threshold. Implementation of **Mitigation Measure MM AQ-10** would require Community Emissions Reduction Plan (CERP) coordination with the East Los Angeles, Boyle

Heights, West Commerce (ELABHWC) to identify potential design features and ensure future projects do not conflict with the CERP for ELABHWC. As discussed above, no additional mitigation measures were identified to further reduce construction or operation impacts to less than significant levels that would meet the project objectives. Generally, the City found the SCAQMD suggested mitigation measures to be technically infeasible as they are not proportional to the impact or were not within the powers of the City to impose and enforce.

*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. Alternative 1 would result in less development as compared to the Revised Project. However, they would still exceed operational VOC emissions and impacts to sensitive receptors from operational impacts related to distribution facilities and significant and unavoidable impacts could still occur. Alternative 2 would result in more development and therefore may result in more impacts to sensitive receptors. Alternative 4 would accommodate less overall development; however, the mitigation measures required for the Revised Project would not be required, and criteria pollutant emissions would be potentially higher than the Revised Project. As discussed below in Section E, the City rejects Alternatives 1, 2, and 4; and adopts Alternative 3 as the Revised Project.

*Conclusions*

No additional feasible mitigation measure or alternatives were identified to reduce the significant impacts for TAC-related impacts associated with distribution centers and warehouses.

The City finds that changes or alterations have been required in, or incorporated into, the Revised Project that substantially lessens the significant impact associated with distribution centers. However, absent project-level details, it is reasonable to assume that the Revised Project could result in significant impacts related to sensitive receptor exposure to substantial pollutant concentrations for heavy industrial use operations involving high volumes of trucking activities, despite implementation of **Mitigation Measures MM AQ-9 and MM AQ-10**.

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 the impacts of the Revised Project to sensitive receptor exposure to substantial pollutant concentration impacts to a less than significant level.

## *Cultural Resources*

### **Historical Resources**

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

#### Description of Significant Effect(s)

The Revised Project would result in a significant and unavoidable project and cumulative impact due to the possible demolition and/or significant alteration to some of the historical resources within the CPA (see Draft EIR pages 4.4-36 to 4.4-40, and pages 5.0-47).

#### Adopted Mitigation Measure(s)

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

#### Finding(s)

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

- Finding 3

#### Rationale for Finding

#### *Mitigation*

The City's regulations and typical practices make it unlikely that a historical resource will be lost. However, the Cultural Heritage Ordinance cannot prevent a property from being demolished or redeveloped or prevent structures from being altered. While the Boyle Heights CPIO District includes a review process for development projects that include the demolition or alteration of a designated or eligible historical resource, it is possible that demolition and/or significant alteration to some of the historical resources within the CPA could occur. 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 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 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 impact. Alternatives 1 and 4 would result in less development and therefore fewer historical resources are likely to be disturbed, but significant and unavoidable impacts could still occur. Alternatives 2, compared to the Project analyzed in the EIR, would result in greater development and therefore more historical resources may be disturbed. As discussed below in Section E, the City rejects Alternatives 1, 2, and 4; and adopts Alternative 3 as the Revised Project.

Conclusions

No feasible alternative or mitigation measures were identified to reduce impacts related to historical resources from the Revised Project 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 the Revised Project and cumulative impacts to historical resources to a less than significant level.

***Noise and Vibration***

**Temporary Increase in Noise Levels (Construction)**

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

Description of Significant Effect(s)

The Revised Project would result in a significant and unavoidable project and cumulative impacts due to the temporary noise impacts related to construction. (Draft EIR pages 4.11-27 to 4.11-41, 4.11-47 to 4.11-48 and pages 5.0-52 to 5.0-54).

Adopted Mitigation Measure(s)

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

- MM NOI-1
- MM NOI-2
- MM NOI-3
- MM NOI-4
- MM NOI-5
- MM NOI-6

*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 NOI-1** through **MM NOI-6** would reduce temporary construction noise for projects within the CPA 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 NOI-6** 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 NOI-1**) all outdoor mechanical equipment (e.g., generators, compressors) shall be enclosed or visually screened (i.e., **Mitigation Measure NOI-3**), and construction staging areas shall be located as far from Noise-Sensitive Uses as reasonably possible and technically feasible (i.e., **Mitigation Measure NOI-4**). 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 NOI-2** 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 NOI-5**)

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 NOI-1** through **NOI-6**. 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. Alternative 1 would result in less development and therefore fewer number of persons could experience health effects from significant construction noise impacts, but significant and unavoidable impacts could still occur. Alternative 2 would result in greater development and therefore a greater number of persons could be impacted. Alternative 4 would result in greater impacts as the mitigation measures would not apply to the Alternative. As discussed below in Section E, the City rejects Alternatives 1, 2, and 4; and adopts Alternative 3 as the Revised Project.

#### *Conclusions*

No additional feasible mitigation measure or alternatives were identified to reduce the significant impacts for temporary construction noise impacts.

The City finds that changes or alterations have been required in, or incorporated into, the Revised Project that substantially lessens the significant impact associated with temporary construction noise impacts. However, noise generated by construction could still exceed the 75 dBA standard in the LAMC Section 112.05 and therefore impacts would be considered significant and unavoidable despite implementation of **Mitigation Measures MM NOI-1** through **MM NOI-6**.

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 the impacts of the Revised Project related to temporary construction noise to a less than significant level.

### **Temporary Increase in Ground-borne Vibration (Construction)**

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

#### Description of Significant Effect(s)

The Revised Project would result in a significant and unavoidable project and cumulative impacts related to temporary ground-borne vibration or ground-borne noise (collectively “ground-borne vibration”) during construction of reasonably anticipated development under the Revised Project (see Draft EIR pages 4.11-41 to 4.11-46, 4.11-49 to 4.11-50, and pages 5.0-52 to 5.0-54).

#### Adopted Mitigation Measure(s)

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

- **MM NOI-7**
- **MM NOI-8**

#### 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 MM NOI-7** and **MM NOI-8** would document the physical condition of potentially affected structures, substantially reduce/control construction vibration, and provide a process for repair of vibration damage in the event it occurs. However, in the absence of construction details associated with specific projects and without knowing the proximity of construction activities to specific receptors, it is anticipated that construction vibration levels at certain particularly fragile adjacent buildings could exceed the thresholds of significance. Therefore, because it is unknown if there would be projects of the size necessary to cause a significant vibration impact adjacent to fragile buildings this impact is considered significant despite implementation of the above mitigation measures. No other feasible mitigation measures were identified.

*Alternatives*

None of the alternatives would reduce significant impacts related to temporary groundborne vibration during construction to a less than significant level. Alternatives 1 would result in less development and would result in less potential for construction activities to cause a significant vibration impact to adjacent buildings. Alternative 2 would result in more development and therefore would have greater chances of impacting neighboring structures during construction-related activities. Alternative 4 would have greater impacts as mitigation measures would not be adopted. As discussed below in Section E, the City rejects Alternatives 1, 2, and 4; and adopts Alternative 3 as the Revised Project.

*Conclusions*

No additional feasible mitigation measure or alternatives were identified to reduce the significant impacts for temporary ground-borne vibration impacts.

The City finds that changes or alterations have been required in, or incorporated into the Revised Project, that substantially lessens the significant impact associated with temporary ground-borne vibration impacts. However, impacts would be considered significant and unavoidable despite implementation of **Mitigation Measures MM NOI-7 through MM NOI-8**.

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 the impacts of the Revised Project, related to temporary ground-borne vibration to a less than significant level.

***Public Services and Recreation***

**Existing Regional Parks or Recreation Facilities**

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

*Description of Significant Effect(s)*

The Revised Project would result in significant unavoidable project and cumulative impacts related to physical deterioration of parks and recreational facilities (see Draft EIR pages 4.13-70 to 4.13-73, 4.13-75, and pages 5.0-55 to 5.0-57).

*Adopted Mitigation Measure(s)*

No feasible mitigation measures have been identified that could reduce the significant impacts to the physical deterioration of parks and recreational facilities.

Finding(s)

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

- Finding 3

Rationale for Finding

*Mitigation*

Several constraints limit the number and size of new park facilities constructed in the CPA and the City, 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<sup>2</sup> to address issues with recreational facilities and manage the status of current and future recreational facilities. The Quimby Act requires developers of residential projects (except affordable housing units and second dwelling units) to dedicate land for park and recreation purposes, or pay a fee in lieu thereof, prior to obtaining a permit. The City collects fees, requires open space under updated fee and Quimby program, but there is not adequate land at reasonable costs to meet the City's park needs. Therefore, mitigation measures beyond the policies and initiatives included in current City policies/programs and the Revised Project to enhance recreational opportunities are not feasible.

*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 and 4 would result in less development and therefore a lesser impact on the deterioration of existing parks, but significant and unavoidable impacts could still occur. Alternative 2 would result in greater development and therefore deterioration would occur at a faster rate. As discussed below in Section E, the City rejects Alternatives 1, 2, and 4; and adopts Alternative 3 as the Revised Project.

*Conclusions*

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<sup>2</sup> City of Los Angeles, Department of Recreation and Parks, *2009 Citywide Community Needs Assessment*. Available online at: <https://www.laparks.org/sites/default/files/projects/2009%20Community%20Needs%20Assessment%20-%20Final.pdf>. Accessed on July 19, 2023.

No feasible alternative or mitigation measures were identified to reduce impacts to existing parks and recreational facilities from the Revised Project 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 the cumulative impacts of the Revised Project related to deterioration of parks and recreational facilities to a less than significant level.

## ***Transportation and Traffic***

### **Design Feature Hazards – Ramp Queuing Safety Issues**

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

#### *Description of Significant Effect(s)*

The Revised Project would result in significant and unavoidable project and cumulative impacts related to off ramp queuing on State highway facilities (see Draft EIR pages 4.14-53 to 4.14-56, 4.14-68 to 4.14-69, and pages 5.0-57 to 5.0-58).

#### *Adopted Mitigation Measure(s)*

No feasible mitigation measures have been identified that could reduce the significant impacts related to off ramp queuing on State highway facilities.

#### *Finding(s)*

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

- Finding 3

#### *Rationale for Finding*

#### *Mitigation*

Significant and unavoidable impacts have been identified in relation to the potential for project-specific ramp queuing safety impacts as growth occurs pursuant to the Revised Project. Potential mitigation may include transportation demand management 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.

Currently, there is no identified State plan or project to implement any improvements to these State facilities, nor is there a financing plan in place to fund the improvements for impacts resulting from jurisdictions outside the City or existing deficiencies. In a comment letter, Caltrans suggested the City implement a fee program on the State facilities. However, such improvements would be outside of the City's jurisdiction as State facilities are maintained and controlled by the State. In addition, there is no substantial evidence provided that a fee could mitigate the significant impact to a less than significant level. As individual projects are identified, the City will work with Caltrans to identify project specific mitigation measures as appropriate. In such a context, under the Mitigation Fee Act, it is not feasible for the City to adopt local fees for its share of impacts to State facilities.

Therefore, no feasible mitigation can be identified for the CPA. It is anticipated that subsequent land use development projects that are seeking approval under the Revised Project will be required to study freeway queuing and safety impacts in more detail per the Interim Guidance for Freeway Safety Analysis.

#### *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 and 4 would result in less development and would result in reduced vehicle queuing at freeway ramps compared to the Revised Projects. Alternative 2 would result in more development and therefore would have increased queuing at freeway ramps. As discussed below in Section E, the City rejects Alternatives 1, 2, and 4; and adopts Alternative 3 as the Revised Project.

#### *Conclusions*

No feasible alternative or mitigation measures were identified to reduce impacts related to highway safety as a result of design features or incompatible uses from the Revised Project 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 the cumulative impacts of the Revised Project to highway 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 imposition of mitigation measures identified in the EIR.

For each significant impact discussed below, the City adopts the following findings:

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

## *Air Quality*

### **Sensitive Receptors**

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

#### Description of Significant Effect(s)

The Revised Project would result in TAC-related impacts associated with construction that are reduced to less than significant level by the inclusion of **Mitigation Measures MM AQ-1** through **MM AQ-8** (see Draft EIR pages 4.2-39 to 4.2-53, and pages 5.0-45 to 5.0-46).

#### Adopted Mitigation Measure(s)

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

- **MM AQ-1** through **MM AQ-8**

#### Finding(s)

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

- Finding 1

#### Rationale for Finding

#### *Mitigation*

Application of **Mitigation Measures MM AQ-1** through **MM AQ-8** would reduce criteria pollutant and TAC emissions generated by construction activities, including equipment operation to less than significant levels (see DEIR at 4.2-55 to 56 and 4.2-62, and pages 5.0-45 to 5.0-46)

#### *Alternatives*

Alternative 1 and 4 would have less development overall than the Revised Project but would still have potentially significant impacts before mitigation. Alternatives 2 would have more overall development and

would have greater level of potentially significant impacts before mitigation. **Mitigation Measures MM AQ-1 to MM AQ-8** would be assumed to apply to Alternatives 1 and 2 which are anticipated to reduce impacts to less than significant for all alternatives. The mitigation measures would not apply to Alternative 4, the no project alternative, which would have significant and unavoidable impacts.

*Conclusions*

The City finds that changes or alterations have been required in, or incorporated into, the Revised Project that would reduce significant environmental effects associated with a criteria pollutants and TAC emissions generated by construction activities associated with the Revised Project to a less than significant level.

***Cultural Resources***

**Archaeological Resources**

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

*Description of Significant Effect(s)*

The Revised Project would result in significant impacts related to substantial adverse changes in or disturbance of known or unknown archeological resources that is reduced to less than significant level by the inclusion of **Mitigation Measures MM CR-1** through **MM CR-3** (see Draft EIR pages 4.4-40 to 4.4-47, 4.4-49, and 5.0-47).

*Adopted Mitigation Measure(s)*

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

- **MM CR-1**
- **MM CR-2**
- **MM CR-3**

*Finding(s)*

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

- Finding 1

*Rationale for Finding*

*Mitigation*

Implementation of **Mitigation Measures MM CR-1** through **MM CR-3**, would avoid significant direct impacts to archaeological resources to the maximum extent feasible and provide for recovery and/or documentation of any significant resources, including any present portions of the Zanja Madre, that cannot be preserved in place. With mitigation, significant archaeological resources would be preserved and impacts to archaeological resources would be less than significant with mitigation.

*Alternatives*

Alternative 1 and 4 would have less development overall than the Proposed Project but would still have potentially significant impacts before mitigation. Alternatives 2 would have more overall development and would have greater level of potentially significant impacts before mitigation. **Mitigation Measures MM CR-1** to **MM CR-3** would be assumed to apply to Alternatives 1 and 2 which would reduce impacts to less than significant for the alternatives. The mitigation measures would not apply to Alternative 4, the no project alternative, which would have significant and unavoidable impacts.

*Conclusions*

The City finds that changes or alterations have been required in, or incorporated into the Revised Project that would reduce significant environmental effects associated with a substantial adverse change in or disturbance of known or unknown archaeological resources from the Revised Project to a less than significant level.

***Geology and Soils***

**Paleontological Resources**

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

*Description of Significant Effect(s)*

The Revised Project would result in significant impacts associated with directly or indirectly destroying a unique paleontological resource or site. The impacts would be reduced to a less than significant level by the inclusion of **Mitigation Measures MM GEO-1** through **MM GEO-3** (see Draft EIR pages 4.6-35 to 4.6-39, and pages 5.0-48 to 5.0-49).

*Adopted Mitigation Measure(s)*

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

- **MM GEO-1**
- **MM GEO-2**
- **MM GEO-3**

*Finding(s)*

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

- Finding 1

*Rationale for Finding*

*Mitigation*

Implementation of **Mitigation Measures MM GEO-1** through **MM GEO-3**, would reduce impacts to paleontological resources to less than significant levels by ensuring that potential resources are identified and either avoided or recovered.

*Alternatives*

Alternative 1 and 4 would have less development overall than the Proposed Project but would still have potentially significant impacts before mitigation. Alternative 2 would have more overall development and would have greater level of potentially significant impacts before mitigation. **Mitigation Measures MM GEO-1** to **MM GEO-3** would be assumed to apply to Alternatives 1 and 2, which would reduce impacts to less than significant for both alternatives. The mitigation measures would not apply to Alternative 4, the no project alternative, which would have significant and unavoidable impacts.

*Conclusions*

The City finds that changes or alterations have been required in, or incorporated into the Revised Project that would reduce significant environmental effects associated with a substantial adverse change in or disturbance of known or unknown paleontological resources from the Revised Project to a less than significant level.

## ***Hazards and Hazardous Materials***

### **Hazardous Materials Transport, Use, Disposal**

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

#### *Description of Significant Effect(s)*

The Revised Project would result in significant impacts associated with construction within the CPA creating a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. Future demolition and construction activities would have the potential to result in exposure to hazardous materials. The impacts would be reduced to a less than significant level by the inclusion of **Mitigation Measures MM HAZ-1** through **MM HAZ-3** (see Draft EIR pages 4.8-56 to 4.8-62, 4.8-72, and pages 5.0-49 to 5.0-51).

#### *Adopted Mitigation Measure(s)*

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

- **MM HAZ-1**
- **MM HAZ-2**
- **MM HAZ-3**

#### *Finding(s)*

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

- Finding 1

#### *Rationale for Finding*

#### *Mitigation*

Implementation of **Mitigation Measures HAZ-1** through **MM HAZ-3**, would reduce impacts associated with hazards and hazardous materials to less than significant levels by ensuring that applicants are put on notice of the need to determine if there is contamination on site and avoid impacts that may result from lack of detection and compliance with federal and state laws in abating hazardous contamination.

*Alternatives*

**Mitigation Measures MM HAZ-1 to MM HAZ-3** would be assumed to apply to Alternatives 1 and 2 which would reduce impacts to less than significant for both alternatives. The mitigation measures would not apply to Alternative 4, the no project alternative, which would have significant and unavoidable impacts.

*Conclusions*

The City finds that changes or alterations have been required in, or incorporated into, the Revised Project that would reduce significant environmental effects associated with the potential to create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials with the Revised Project to a less than significant level.

**Hazardous Materials Upset or Accident**

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

Description of Significant Effect(s)

The Revised Project would result in significant impacts associated with future grading and construction of existing contaminated sites. Construction activity that disturbs soil or groundwater could have the potential to result in the release of previously unidentified hazardous materials, which could adversely affect construction workers and/or neighboring properties. The impacts would be reduced to less than significant level by the inclusion of **Mitigation Measures MM HAZ-1** through **MM HAZ-3** (see Draft EIR pages 4.8-62 to 4.8-66, 4.8-72 to 4.8-73, and pages 5.0-49 to 5.0-51).

Adopted Mitigation Measure(s)

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

- **MM HAZ-1**
- **MM HAZ-2**
- **MM HAZ-3**

Finding(s)

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

- Finding 1

Rationale for Finding

*Mitigation*

Implementation of **Mitigation Measures HAZ-1** through **MM HAZ-3**, would reduce impacts associated with hazards and hazardous materials to less than significant levels by ensuring that applicants are put on notice of the need to determine if there is contamination on site and avoid impacts that may result from lack of detection, and compliance with state and federal requirements related to hazardous materials.

*Alternatives*

**Mitigation Measures HAZ-1** to **MM HAZ-3** would be assumed to apply to Alternatives 1 and 2 which would reduce impacts to less than significant for both alternatives. The mitigation measures would not apply to Alternative 4, the no project alternative, which would have significant and unavoidable impacts.

*Conclusions*

The City finds that changes or alterations have been required in, or incorporated into the Revised Project that would reduce significant environmental effects associated with the potential to create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions within the Revised Project to a less than significant level.

**Hazards within 0.25-Mile of a School**

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

Description of Significant Effect(s)

The Revised Project would result in significant impacts associated with future grading and construction of existing contaminated sites. Construction activity that disturbs soil or groundwater could have the potential to result in the release of previously unidentified hazardous materials within 0.25 miles of a school. The impacts would be reduced to a less than significant level by the inclusion of **Mitigation Measures MM HAZ-1** through **MM HAZ-3** (see Draft EIR pages 4.8-66 to 4.8-67, 4.8-73, and pages 5.0-49 to 5.0-51).

Adopted Mitigation Measure(s)

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

- **MM HAZ-1**
- **MM HAZ-2**
- **MM HAZ-3**

*Finding(s)*

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

- Finding 1

*Rationale for Finding*

*Mitigation*

Implementation of **Mitigation Measures HAZ-1** through **MM HAZ-3**, would reduce impacts to schools to a less than significant level by ensuring the identification and, as necessary, remediation of soil and/or groundwater contamination prior to excavation or grading on properties within 0.25 mile of schools.

*Alternatives*

**Mitigation Measures HAZ-1** to **MM HAZ-3** would be assumed to apply to Alternatives 1 and 2, which would reduce impacts to less than significant for both alternatives. The mitigation measures would not apply to Alternative 4, the no project alternative, which would have significant and unavoidable impacts.

*Conclusions*

The City finds that changes or alterations have been required in, or incorporated into the Revised Project that would reduce significant environmental effects associated with the potential to create emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 0.25-mile of an existing or proposed school within the Revised Project area to a less than significant level.

**Hazardous Materials Sites**

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

*Description of Significant Effect(s)*

The Revised Project would result in significant impacts associated with future grading and construction of existing contaminated sites. Construction activity that disturbs soil or groundwater could result in exposure to construction workers and occupants of neighboring properties to the release of hazardous

materials. The impacts would be reduced to a less than significant level by the inclusion of **Mitigation Measures MM HAZ-1** through **MM HAZ-3** (see Draft EIR pages 4.8-68 to 4.8-69, 4.8-74, and pages 5.0-49 to 5.0-51).

*Adopted Mitigation Measure(s)*

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

- **MM HAZ-1**
- **MM HAZ-2**
- **MM HAZ-3**

*Finding(s)*

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

- Finding 1

*Rationale for Finding*

*Mitigation*

Implementation of **Mitigation Measures MM HAZ-1** through **MM HAZ-3**, would reduce impacts to a less than significant level by ensuring identification of properties listed on a hazardous materials sites compiled pursuant to Government Code Section 65962.5, and any contamination is adequately remediated to federal and state standards.

*Alternatives*

**Mitigation Measures MM HAZ-1** to **MM HAZ-3** would be assumed to apply to Alternatives 1 and 2 which would reduce impacts to less than significant for both alternatives. The mitigation measures would not apply to Alternative 4, the no project alternative, which would have significant and unavoidable impacts.

*Conclusions*

The City finds that changes or alterations have been required in, or incorporated into the Revised Project that would reduce significant environmental effects associated with the development of site which are included on a list of hazardous materials sites pursuant to Government Code Section 65962.5 within the Revised Project area to a less than significant level.

## ***Tribal Cultural Resources***

### **Tribal Resources**

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

#### Description of Significant Effect(s)

The Revised Project could result in significant impacts to tribal cultural resources. Grading and excavation of individual development projects that disturb previously undisturbed soils could potentially encounter intact tribal cultural resources within the CPA. The impacts would be reduced to a less than significant level by the inclusion of **Mitigation Measures MM TC-1** through **MM TC-2**, and **MM CR-1** through **MM CR-3** (see Draft EIR pages 4.15-8 to 4.15-14, and pages 5.0-58 to 5.0-59).

#### Adopted Mitigation Measure(s)

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

- **MM TC-1**
- **MM TC-2**
- **MM CR-1**
- **MM CR-2**
- **MM CR-3**

#### Finding(s)

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

- Finding 1

#### Rationale for Finding

#### *Mitigation*

Implementation of **Mitigation Measures MM TC-1**, **MM TC-2**, and **MM CR-1** through **MM CR-3**, would reduce impacts to tribal cultural resources to a less than significant level by requiring a process to identify and, if necessary, avoid and/or recover identified tribal cultural resources throughout the CPA, including areas where resources have been previously identified.

*Alternatives*

Alternatives 1 and 4 would result in less development and would result in less potential to encounter tribal cultural resources. Alternative 2 would result in more development and therefore would have greater chances of encountering tribal cultural resources during construction-related activities. **Mitigation Measures MM CR-1 to MM CR-3 and MM TR-1 to MM TR-3** would be assumed to apply to Alternatives 1 and 2, which would reduce impacts to less than significant for both alternatives. The mitigation measures would not apply to Alternative 4, the no project alternative, which would have significant and unavoidable impacts.

*Conclusions*

The City finds that changes or alterations have been required in, or incorporated into, the Revised Project that would reduce significant environmental effects to tribal cultural resources within the Revised 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 Revised 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 other significant impacts not identified in Section 2(B) and 2(C), including the following:

*Aesthetics*

- **Scenic Vistas** (Draft EIR pages 4.1-38 to 4.1-43, and 5.0-45): Less than significant impact.
- **Scenic Resources within State Scenic Highway** (Draft EIR pages 4.1-38 to 4.1-44, and 5.0-45): No impact.
- **Scenic Quality Zoning and Regulations** (Draft EIR pages 4.1-44 to 4.1-52, and 5.0-45): Less than significant impact.
- **Light and Glare** (Draft EIR pages 4.1-52 to 4.1-54, and 5.0-45): Less than significant impact.
- **Cumulative Impacts** (Draft EIR pages 4.1-54 to 4.1-56, and 5.0-45): Less than significant impact.

*Agriculture and Forestry Resources*

- **Conversion of Farmland to Non-Agricultural Uses** (Draft EIR pages 7.0-1 to 7.0-2): No impact.

- **Conflict with Agricultural Zoning or Williamson Act** (Draft EIR pages 7.0-1 to 7.0-2): No impact.
- **Conflict with Zoning or Cuse Rezoning of Forest Land** (Draft EIR pages 7.0-1 to 7.0-2): No impact.
- **Loss or Conversion of Forest Land** (Draft EIR pages 7.0-1 to 7.0-2): No impact.
- **Other Changes Resulting in Conversion of Farmland of Forest Land** (Draft EIR pages 7.0-1 to 7.0-2): No impact.

### *Air Quality*

- **Air Quality Plan** (Draft EIR pages 4.2-35 to 4.3-39, and 5.0-45 to 5.0-46): Less than significant impact.
- **Odors** (Draft EIR pages 4.2-64 to 4.2-65, and 5.0-45 to 5.0-46): Less than significant impact.
- **Cumulative Impacts** (Draft EIR pages 4.2-65 to 4.2-67, and 5.0-45 to 5.0-46): Less than significant impact (Air Quality Plan and Odor).

### *Biological Resources*

- **Special Status Species Habitat** (Draft EIR pages 4.3-34 to 4.1-37, and 5.0-46 to 5.0-47): Less than significant impact.
- **Riparian Habitat** (Draft EIR pages 4.3-37 to 4.1-39, and 5.0-46 to 5.0-47): Less than significant impact.
- **Wetlands** (Draft EIR pages 4.3-39 to 4.1-40, and 5.0-46 to 5.0-47): Less than significant impact.
- **Migratory Wildlife** (Draft EIR pages 4.3-40, and 5.0-46 to 5.0-47): Less than significant impact.
- **Local Policies and Ordinances** (Draft EIR pages 4.3-41 to 4.1-43, and 5.0-46 to 5.0-47): Less than significant impact.
- **Habitat Conservation Plan** (Draft EIR pages 4.3-43, and 5.0-46 to 5.0-47): No impact.
- **Cumulative Impacts** (Draft EIR pages 4.3-43 to 4.1-45, and 5.0-46 to 5.0-47): Less than significant impact.

### *Cultural Resources*

- **Human Remains** (Draft EIR pages 4.4-47 to 4.4-48, and 5.0-47): Less than significant impact.
- **Cumulative Impact** (Draft EIR pages 4.4-48 to 4.4-49, and 5.0-47): (Human Remains).

### *Energy*

- **Inefficient Energy Consumption** (Draft EIR pages 4.5-34 to 4.5-45, and 5.0-48): Less than significant impact.
- **Renewable Energy/Energy Efficiency Plan** (Draft EIR pages 4.5-42 to 4.5-43, and 5.0-48): Less than significant impact.
- **Cumulative Impact** (Draft EIR pages 4.5-43 to 4.5-44, and 5.0-48): Less than significant impact.

### *Geology and Soils*

- **Earthquake Fault** (Draft EIR pages 4.6-27 to 4.6-29, and 5.0-48 to 5.0-49): Less than significant impact.
- **Seismic Ground Shaking** (Draft EIR pages 4.6-29 to 4.6-30, and 5.0-48 to 5.0-49): Less than significant impact.
- **Seismicity** (Draft EIR pages 4.6-30 to 4.6-31, and 5.0-48 to 5.0-49): Less than significant impact.
- **Soil Erosion** (Draft EIR pages 4.6-31 to 4.6-32, and 5.0-48 to 5.0-49): Less than significant impact.
- **Unstable Soils** (Draft EIR pages 4.6-32 to 4.6-33, and 5.0-48 to 5.0-49): Less than significant impact.
- **Expansive Soil** (Draft EIR pages 4.6-34, and 5.0-48 to 5.0-49): Less than significant impact.
- **Septic Tanks** (Draft EIR pages 4.6-34 to 4.6-35, and 5.0-48 to 5.0-49): No impact.
- **Cumulative Impact** (Draft EIR Pages 4.6-38 to 4.6-39, and 5.0-48 to 5.0-49): Less than significant impact (Geology and Soils).

### *Greenhouse Gas Emissions*

- **Plans, Policies, and Regulations** (Draft EIR pages 4.7-52 to 4.7-75, and 5.0-49): Less than significant impact.
- **Cumulative Impact** (Draft EIR pages 4.7-52 to 4.7-75, and 5.0-49): Less than significant impact.

### *Hazards and Hazardous Materials*

- **Hazardous Materials Transport, Use, Disposal** (Draft EIR pages 4.8-56 to 4.8-62, and 5.0-49 to 5.0-51): Less than significant impact (Operations).

- **Public Airport** (Draft EIR pages 4.8-69 to 4.8-70, and 5.0-49 to 5.0-51): No impact.
- **Emergency Response Plans** (Draft EIR pages 4.8-70 to 4.8-71, and 5.0-49 to 5.0-51): Less than significant impact.
- **Wildland Fires** (Draft EIR pages 4.8-71 to 4.8-72, and 5.0-49 to 5.0-51): Less than significant impact.
- **Cumulative Impact** (Draft EIR pages 4.8-72 to 4.8-74, and 5.0-49 to 5.0-51): No Impact (Public Airport). Less than significant impact (Emergency Response Plans, and Wildland Fires).

### *Hydrology and Water Quality*

- **Groundwater Quality/Discharge Requirements** (Draft EIR pages 4.9-37 to 4.9-41, and 5.0-51): Less than significant impact.
- **Groundwater** (Draft EIR pages 4.9-41 to 4.9-43, and 5.0-51): Less than significant impact.
- **Drainage – Erosion, Runoff, Flooding** (Draft EIR pages 4.9-43 to 4.9-46, and 5.0-51): Less than significant impact.
- **Pollutants** (Draft EIR pages 4.9-46 to 4.9-48, and 5.0-51): Less than significant impact.
- **Water Quality Plans and Policy Consistency** (Draft EIR pages 4.9-48, and 5.0-51): Less than significant impact.
- **Cumulative Impact** (Draft EIR pages 4.9-49 to 4.9-52, and 5.0-51): Less than significant impact.

### *Land Use and Planning*

- **Physically Divide a Community** (Draft EIR pages 4.10-19 to 4.10-21, and 5.0-51 to 5.0-52): No impact.
- **Land Use Plan and Policy Consistency** (Draft EIR pages 4.10-21 to 4.10-30, and 5.0-51 to 5.0-52): Less than significant impact.
- **Cumulative Impact** (Draft EIR pages 4.10-31, and 5.0-51 to 5.0-52): Less than significant impact.

### *Mineral Resources*

- **Loss of Known Mineral Resource** (Draft EIR pages 7.0-2 to 7.0-5): No impact.
- **Loss of Mineral Resource Recovery Site** (Draft EIR pages 7.0-2 to 7.0-5): No impact.

### *Noise and Vibration*

- **Noise Levels - Operational** (Draft EIR pages 4.11-27 to 4.11-37, and 5.0-52 to 5.0-54): Less than significant impact.
- **Ground-borne Vibrations – Operational** (Draft EIR pages 4.11-41 to 4.11-42, and 5.0-52 to 5.0-54): Less than significant impact.
- **Private Airstrip** (Draft EIR pages 4.11-46 to 4.11-47, and 5.0-52 to 5.0-54): No impact.
- **Cumulative Impact** (Draft EIR pages 4.11-47 to 4.11-50, and 5.0-52 to 5.0-54): Less than significant impact (Noise Levels – Operational, Ground-borne Vibrations – Operational). No impact (Private Airstrip).

### *Population, Housing, and Employment*

- **Induce Substantial Population Growth** (Draft EIR pages 4.12-26 to 4.12-32, and 5.0-54): Less than significant impact.
- **Displacement of Existing People or Housing** (Draft EIR pages 4.12-32 to 4.12-35, and 5.0-54): Less than significant impact.
- **Cumulative Impact** (Draft EIR pages 4.12-35 to 4.12-36, and 5.0-54): Less than significant impact.

### *Public Services and Recreation*

- **Fire Protection** (Draft EIR pages 4.13-18 to 4.13-23, and 5.0-55 to 5.0-57): Less than significant impact.
- **Police Protection** (Draft EIR pages 4.13-31 to 4.13-33, and 5.0-55 to 5.0-57): Less than significant impact.
- **Public Schools** (Draft EIR pages 4.13-46 to 4.13-49, and 5.0-55 to 5.0-57): Less than significant impact.
- **Library** (Draft EIR pages 4.13-56 to 4.13-57, and 5.0-55 to 5.0-57): Less than significant impact.
- **Recreational and Governmental Facilities** (Draft EIR pages 4.13-73 to 4.13-75, and 5.0-55 to 5.0-57): Less than significant impact.
- **Cumulative Impact** (Draft EIR pages 4.13-22 to 4.13-23, 4.13-33 to 4.13-34, 4.13-49, 4.13-57, 4.13-75 to 4.13-76, and 5.0-55 to 5.0-57): Less than significant impact (Fire Protection, Police Protection, Public Schools, Library, and Recreational and Governmental Facilities).

### ***Transportation and Traffic***

- **Circulation System Programs and Policy** (Draft EIR pages 4.14-51 to 4.14-52, and 5.0-57 to 5.0-58): Less than significant impact.
- **CEQA Guidelines** (Draft EIR pages 4.14-52 to 4.14-53, and 5.0-57 to 5.0-58): Less than significant impact.
- **Emergency Access** (Draft EIR pages 4.14-56 to 4.14-67, and 5.0-57 to 5.0-58): Less than significant impact.
- **Cumulative Impact** (Draft EIR pages 4.14-67 to 4.14-69, and 5.0-57 to 5.0-58): Less than significant impact (Circulation System Programs and Policy, *State CEQA Guidelines*, and Emergency Access).

### ***Utilities and Service Systems***

- **Water Facilities** (Draft EIR pages 4.16-29 to 4.16-33, and 5.0-59 to 5.0-62): Less than significant impact.
- **Water Supply** (Draft EIR pages 4.16-33 to 4.16-37, and 5.0-59 to 5.0-62): Less than significant impact.
- **Wastewater Facilities and Wastewater Treatment** (Draft EIR pages 4.16-57 to 4.16-61, and 5.0-59 to 5.0-62): Less than significant impact.
- **Stormwater Drainage** (Draft EIR pages 4.16-61 to 4.16-62, and 5.0-59 to 5.0-62): Less than significant impact.
- **Solid Waste Standards and Capacity** (Draft EIR pages 4.16-75 to 4.16-76, and 5.0-59 to 5.0-62): Less than significant impact.
- **Solid Waste Statutes and Regulations** (Draft EIR pages 4.16-76 to 4.16-77, and 5.0-59 to 5.0-62): Less than significant impact.
- **Electric Power, Natural Gas, or Telecommunications Facilities** (Draft EIR pages 4.16-85 to 4.16-87, and 5.0-59 to 5.0-62): Less than significant impact.
- **Cumulative Impact** (Draft EIR pages 4.16-37 to 4.16-39, 4.16-62 to 4.16-64, 4.16-77 to 4.16-78, 4.16-87 to 4.16-88, and 5.0-59 to 5.0-62): Less than significant impact.

### ***Wildfire***

- **Emergency Response/Evacuation Plan** (Draft EIR pages 7.0-5): No impact.

- **Slope, Prevailing Winds, Flooding, and Landslides** Draft EIR pages 7.0-5): No impact.
- **Installation Maintenance of Associated Infrastructure** (Draft EIR pages 7.0-5): No impact.
- **Expose People or Structures to Risk of Loss, Injury, or Death** (Draft EIR pages 7.0-5): No impact.

## **E. Findings for Alternatives to the Project**

### ***Underlying Purpose and Project Objectives***

The underlying purpose and project objectives of the Revised Project, as discussed in the EIR (**Section 3.0, Project Description**), are stated below. In accordance with *State CEQA Guidelines* Section 15124(b), the specific project objectives identified below support the underlying purpose of the Revised 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 Revised Project is to plan for and accommodate foreseeable growth in the City, including the Project Area, consistent with the growth strategies of the City as provided in the Framework Element, as well as the policies of SB 375 and the Southern California Association of Governments (SCAG) Regional Transportation Plan / Sustainable Communities Strategy (RTP/SCS).

#### **Primary Objectives**

Accommodate projected population, housing, and employment growth and focus growth into Framework identified centers and corridors located near transit, through a diverse range of housing typologies and income levels to discourage the displacement of existing residents and communities;

Reduce greenhouse gas emissions and promote enhanced multi-modal transportation opportunities for bicyclists, pedestrians, and transit users. Reduce vehicle miles traveled to meet the requirements of Senate Bill 375, Senate Bill 743, and California Assembly Bill 32;

Maintain existing affordable housing units and promote the creation of more affordable housing units for residents with incomes below the Area Median Income (AMI);

Strengthen vibrant mixed-use areas near transit that encourage a strong jobs/housing balance and support increased ridership, and walkability;

Preserve community character and neighborhood identity by strengthening and maintaining traditional character of notable residential and commercial neighborhoods and preserving stable low-density neighborhoods;

Promote a mix of compatible land uses that foster sustainability, equity, and healthy living; and

Support sustainable urban design strategies that positively contribute to an urban tree canopy across the entire CPA and that support publicly accessible open space as the area evolves.

### **Secondary Objectives**

Foster a safe, healthy, and environmentally sustainable region that increases access to healthy foods and healthcare services and promotes recreational open space and linkages with safe routes to schools and other routes that link people to public facilities and recreational open spaces;

Support jobs-producing uses by maintaining industrially planned lands for employment generating uses and increase the opportunity for small business and jobs located in transit station areas and along connecting corridors;

Improve the function and design of neighborhoods throughout the CPA by promoting a diversity of neighborhood serving uses near residential areas, discouraging a proliferation of auto related uses along pedestrian corridors, and enhancing pedestrian-oriented design along corridors;

Provide a variety of mobility options and optimize bus transit, while enhancing cyclist and pedestrian access on identified corridors and facilitating the shared use of streets and alleys in residential areas;

Improve consistency between land use and zoning regulations, where needed;

Implement the new zoning code districts and rules as applicable to this geography, through the adoption of the Boyle Heights Community Plan; and

Support public infrastructure improvements consistent with other City department and public agencies.

### ***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 Revised Project, as described in **Section 5.0, Alternatives**, of the Draft EIR. The four alternatives analyzed in the EIR are described and rejected, where appropriate, as follows:

**Alternative 1 – Low Transit Oriented Development Potential (Draft EIR pages 5.0-6 to 5.0-24)**

*Description of Alternative*

The Low Transit Oriented Development Potential (Alternative 1) assumes that future planned growth and mixed-use development is focused along the corridors instead of in the transit nodes near the Metro E Line stations (previously L Line). In comparison to the Revised Project, Alternative 1 would reduce the development potential near the Soto Street and Indiana L Line stations by maintaining the FAR and density permitted by the existing zoning. In the blocks surrounding the Indiana Street Station, the zoning would be proposed with a 1/2000 density, in lieu of the proposed 1/800 density under the Revised Project. In the blocks surrounding the Soto L Line Station, primarily from Cesar Chavez Avenue to 4<sup>th</sup> Street, and St. Louis Street to Mott Street, the proposed zoning would reflect existing zoning regulations, which currently allow a combination of 1/1500, 1/800, and 1/400 densities in lieu of the proposed 1/600 density under the Revised Project. This Alternative would also maintain the existing land use designation and zoning around the Pico/Aliso transit node (1.5:1 FAR and Light Industrial land use designation) in lieu of the proposed 1.5:1 Base and 4:0:1 Bonus FAR, 1/400 density, and Commercial Mixed-Use zoning. Bonus FAR and density accessed through the Local Affordable Housing Incentive Program would continue to be available, and changes from Residential to Commercial Mixed Use would still occur along certain corridors throughout the CPA. The decreases in intensity of the transit nodes reduces the expected development in these areas of CPA, reducing the overall reasonably expected development.

*Impact Summary*

Alternative 1 would accommodate less development overall and thus accommodate less growth in the CPA, as compared to the Revised Project. Due to the overall lower development potential under Alternative 1 in comparison to the Revised Project, fewer historical resources are likely to be disturbed, and impacts related to historical resources would be less than that of the Revised Project. Similarly, reduced development potential under Alternative 1 compared to the Revised Project, would result in lesser impacts related to construction and operational air quality and noise, construction vibration, and deterioration of existing parks. Nevertheless, despite accommodating less development potential as compared to the Revised Project, Alternative 1 would result in the same impact conclusions as the Revised Project in most impact categories. However, Alternative 1 would result in a significant VMT impact that the Revised Project would not have. Therefore, the following significant unavoidable impacts from the Revised Project would result under Alternative 1: historical resources, air quality, construction noise and vibration, transportation safety impacts related to freeway off-ramp queuing, VMT, and recreational facilities.

*Finding(s)*

It is found pursuant to PRC Section 21081(a)(3) and *State CEQA Guidelines* Section 15091(a)(3), that specific economic, legal, social, technological, or other considerations, make the Low Transit Oriented Development 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 one, some, or all, of the following reasons:

- Alternative 1 would have significant unavoidable impacts to VMT.
- Alternative 1 would not meet the Primary Objective to promote enhanced multi-modal transportation opportunities and reduce VMT and promote mixed-use areas near transit due to the reduction in transit-oriented development in comparison to the Revised Project.
- Alternative 1 would reduce regional VMT to a lesser degree than the Revised Project since the lower overall development totals, particularly near transit station, may result in increased development elsewhere in the City and incrementally higher regional VMT.
- Alternative 1 would only partially meet the Primary Objective of focusing population, housing, and employment growth near transit served centers and corridors in a sustainable, equitable, healthy, and inclusive manner to discourage the displacement of existing residents and communities.
- Alternative 1 would meet the Framework Element's objective degree related to concentrating development in areas with access to transit to a lesser than the Revised Project due to the reduced overall development totals.

#### **Alternative 2 – High Transit Oriented Development Potential (Draft EIR pages 5.0-24 to 5.0-42)**

##### *Description of Alternative*

Alternative 2 would modify the Revised Project by allowing greater development potential around the following L Line transit stations: Soto, Pico/Aliso, and Indiana. Alternative 2 would allow a higher base FAR than the Revised Project (3:1 instead of 1.5:1 FAR) and the bonus FAR would increase to 4.5:1 as compared to 4:1 FAR. Additional density would be permitted in the blocks surrounding the Soto Street Metro Station, primarily from Cesar Chavez Avenue to 4<sup>th</sup> Street, and St. Louis Street to Mott Street, where 1/400 density would be permitted in lieu of the proposed 1/600. Additional density incentives within the TOD areas would increase development potential, and redevelopment would be more likely as a result of the delta from existing regulations to proposed bonus regulations. Alternative 2 would result in an increase in population and employment as compared to the Revised Project.

As shown in **Table 5.0-1**, under Alternative 2 the CPA is projected to reach a population of 125,000 residents, 36,000 housing units, and 40,000 jobs by 2040. SCAG projects growth of the CPA to reach 93,000 residents, 27,000 housing units, and 35,000 jobs by 2040. Therefore, Alternative 2 would accommodate SCAG's population, housing, and job growth forecasts in the CPA. Alternative 2 would accommodate more overall development and associated growth than the Revised Project. Alternative 2 would result in the same number of dwelling units, 1,000 more persons (+0.8%), and 2,000 more jobs (+5%) through 2040 than the Revised Project.

*Impact Summary*

Alternative 2 would accommodate increased development overall compared to the Revised Project in the CPA. Alternative 2 would result in the same impact conclusions as the Revised Project in all impact categories. Unavoidable significant impacts under this alternative would occur with regards to historical resources, air quality (construction and operation), construction noise and vibration, recreational facilities, and traffic safety related to highway off-ramps, and due to higher overall development, these impacts would occur to a greater degree than under the Revised Project. VMT impacts and GHG impacts would remain less than significant and would be slightly lower under Alternative 2 compared to the Revised Project.

*Finding(s)*

It is found pursuant to PRC Section 21081(a)(3) and *State CEQA Guidelines* Section 15091(a)(3), that specific economic, legal, social, technological, or other considerations, make the High Transit Oriented Development 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 one, some, or all, of the following reasons:

- Alternative 2 would not avoid any significant unavoidable impact from the Revised Project.
- Alternative 2 would not meet the Primary Objective to preserve community character and neighborhood identity by allowing for increased density that may not be in context with the existing scale.
- Alternative 2 would result in greater significant impacts to historical resources, air quality (construction and operation), construction noise and vibration, recreational facilities, and traffic safety related to highway off-ramps due to the higher overall development.

**Alternative 3 – Land Use Mix (Draft EIR pages 5.0-42 to 5.0-24)**

*Description of Alternative*

The “Land Use Mix” Alternative was included based on public input on the Proposed Plan to consider mixed-use development along the western portion of the CPA near the Los Angeles River. As described in Section 2, Findings, of these findings, based on additional input from the PLUM Committee, Alternative 3 is now the Revised Project. The Hybrid Industrial designation would include a 1.5:1 Base FAR and Bonus FARs ranging from 2.5:1, 3.0:1, to 4.0:1, and density ranging from 1/400 to 1/800, depending on the location. New residential construction would be permitted in this area, but a minimum of 0.5:1 FAR (instead of 1.0:1) would be required for job-producing uses.

*Impact Summary*

Alternative 3/Revised Project was compared to the Proposed Plan in the EIR, and it was determined Alternative 3 would accommodate similar development in the CPA. Alternative 3/Revised Project would result in the same impact conclusions as the Proposed Plan in all impact categories. Unavoidable significant impacts under this alternative would occur with regards to historical resources, air quality, construction noise and vibration, recreational facilities, and traffic safety related to highway off-ramps. As demonstrated on pages 5.0-81 to 5.0-83 of the EIR, Alternative 3/Revised Project was found to be environmentally superior to the Proposed Plan based on the following:

Alternative 3/Revised Project would include the same high level of TOD development as the Proposed Plan with the added benefit of increased housing for the region and reducing VMT. Since Alternative 3/Revised Project would have greater overall development than the Proposed Plan, it would result in greater impacts to public services and utilities as these topic areas are largely driven by population and Alternative 3 would increase the number of housing units and population compared to the Proposed Plan. Although this alternative would not reduce any of the significant impacts of the Proposed Plan, it would meet the project objectives, even if to a lesser degree for some, it has more environmental benefits related to greenhouse gases and energy use and sustainable development patterns than the other alternatives. Alternative 3/Revised Project would allow new housing opportunities in the area of the CPA closest to Downtown Los Angeles, which is a major employment center and transit hub for the wider region. Due to the proximity to Downtown Los Angeles and new infrastructure investments in the River-Adjacent area, specifically the new 6th Street Viaduct Replacement Project and 6th Street PARC Project, if Alternative 3/Revised Project were to be adopted it is reasonably foreseeable that new housing development within the CPA would likely occur in the River-Adjacent area, which could lessen overall impacts to temporary construction (air quality and noise) in other areas of the CPA. Based on the ability to result in incrementally reduced environmental

impacts and meet project objectives, the Alternative 3/Revised Project is the Environmentally Superior Alternative.

*Finding(s)*

It is found pursuant to PRC Section 21081(a)(3) and *State CEQA Guidelines* Section 15091(a)(3), that Alternative 3/Revised Project is feasible and is environmentally superior to the Proposed Plan. Therefore, this alternative, with the proposed modifications, is selected to be considered for adoption by the City Council and is not rejected.

**Alternative 4 – No Project (Draft EIR pages 5.0-62 to 5.0-80)**

*Description of Alternative*

The No Project Alternative involves continued implementation of the existing 1998 Boyle Heights Community Plan. Under this alternative, the current 1998 Boyle Heights Community Plan would continue to apply, and existing plans and policies would continue to accommodate development in accordance with existing General Plan designations. This Alternative would assume that the Proposed Plan, new zoning designations, and the Boyle Heights CPIO, which includes a Local Affordable Housing Incentive Program and review procedures for projects that involve properties that have been identified as an eligible historical resource, are not adopted for the CPA.

*Impact Summary*

Alternative 4 would include less development capacity overall and thus less growth in the CPA, as compared to the Proposed Plan. Nevertheless, as with the Revised Project, Alternative 4 would result in significant impacts to: cumulatively considerable net increase of criteria pollutant (construction NOx and operational/long-term VOC emissions), sensitive receptors from TACs related to distribution facilities, historic resources, ambient and ground-borne noise levels related to construction, deterioration of parks and recreational facilities, and safety impacts related to off-ramp queuing. Because this alternative would not be subject to mitigation measures proposed in the Proposed Plan, including the CPIO's review procedures for projects that involve properties that have been identified as an eligible historical resource, the level of impact would be greater than under the Proposed Plan despite the lower overall intensity of development in the CPA under this alternative and would have additional significant and unavoidable impacts to archaeological, paleontological, conformance with state climate action goals, hazardous (contaminated sites), transportation (VMT) and tribal resources. In addition, limiting development potential in the CPA may induce higher levels of growth in other areas of the City and region that have

fewer transit options and longer distances between housing, jobs, and services. As such, Alternative 4 may incrementally increase related air pollutant and GHG emissions.

*Finding(s)*

It is found pursuant to PRC Section 21081(a)(3) and *State 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 one, some, or all, of the following reasons:

- Alternative 4 would not avoid any of the significant unavoidable impacts from the Revised Project.
- Alternative 4 would only partially meet the Primary Objective to accommodate projected population, housing, and employment growth.
- Alternative 4 would not meet the Primary Objectives to accommodate population growth into framework identified centers and corridors located near transit and strengthening vibrant mixed-use areas near transit that encourage a strong jobs/housing balance and support increased ridership, and walkability.
- Alternative 4 would only partially meet the remaining Primary Objectives to 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.
- Alternative 4 would not fulfill the Secondary Objectives to increase the opportunity for small business and jobs located in transit station areas and along connecting corridors; improve the function and design of neighborhoods throughout the CPA by promoting a diversity of neighborhood serving uses near residential areas, discouraging a proliferation of auto related uses along pedestrian corridors, and enhancing pedestrian oriented design along corridors; and implement the new zoning code districts and rules as applicable to this geography.
- Alternative 4 would only partially meet the Secondary Objectives to support jobs-producing uses by maintaining industrially planned lands for employment generating uses and increase the opportunity for small business and jobs located in transit station areas and along connecting corridors.

***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 and 4 would incrementally reduce impacts for multiple issue areas compared to the Proposed Plan. This is because Alternative 1 and 4 would both reduce overall development levels in the CPA. However, none of these alternatives would avoid any of the significant and unavoidable impacts of the Proposed Plan and in fact, Alternatives 1 and 4 would result in a new significant impact (VMT). Alternative 4 would involve the lowest overall level of growth and development in the CPA. However, because Alternative 4 would not be subject to the mitigation measures proposed in the Proposed Plan, it may result in higher greater overall impacts than the Proposed Plan for certain issues. In addition, by limiting growth in the CPA, Alternative 4 could cause more forecasted growth and associated development to occur in other areas of the City or region that have less access to transit and longer distances between housing, jobs, and services. In this way, Alternative 4 may also result in greater overall regional VMT and associated air pollutant and GHG emissions.

Alternative 3/Revised Project would include the same high level of TOD development as the Proposed Plan with the added benefit of increased housing for the region and reducing VMT. Since Alternative 3/Revised Project would have greater overall development than the Proposed Plan, it would result in greater impacts to public services and utilities as these topic areas are largely driven by population and Alternative 3/Revised Project would increase the number of housing units and population compared to the Proposed Plan. Although this alternative would not reduce any of the significant impacts of the Proposed Plan, it would meet the project objectives, even if to a lesser degree for some, it has more environmental benefits related to greenhouse gases and energy use and sustainable development patterns than the other alternatives. Alternative 3/Revised Project would allow new housing opportunities in the area of the CPA closest to Downtown Los Angeles, which is a major employment center and transit hub for the wider region. Due to the proximity to Downtown Los Angeles and new infrastructure investments in the River-Adjacent area, specifically the new 6<sup>th</sup> Street Viaduct Replacement Project and 6<sup>th</sup> Street PARC Project, if Alternative 3 were to be adopted it is reasonably foreseeable that new housing development within the CPA would likely occur in the River-Adjacent area, which could lessen overall impacts to temporary construction (air quality and noise) in other areas of the CPA. Based on the ability to result in incrementally reduced environmental impacts and meet project objectives, Alternative 3/Revised Project is the Environmentally Superior Alternative.

### **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 *State 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” (*State 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 *State CEQA Guidelines* Section 15093(b)). This “statement of overriding considerations” must be supported with substantial evidence in the record (*State CEQA Guidelines* Section 15093(b)). The EIR identifies significant and unavoidable impacts that would result from implementation of the Revised Project, as shown in **Section 2** of these CEQA Findings of Fact and Statement of Overriding Considerations. This Statement of Overriding Considerations is 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 Revised Project**

After balancing the specific economic, legal, social, technological, and other benefits of the Revised 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 Revised Project:

1. The Revised 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, AB 32, SB 32). Consistent with the RTP/SCS, the Revised Project directs growth away from lower-density neighborhoods and primarily into transit hubs and corridors. The Revised Project includes new zoning regulations that maintain the pedestrian-scale and the existing built character of the CPA, including maintaining density regulations in the majority of

lower-density multi-unit residential areas of the CPA. The Revised Project directs new higher-intensity development in proximity to transportation corridors and transit stations to facilitate use of public transportation, biking, and walking, consistent with state, regional and City policies aimed at reducing criteria pollutant and greenhouse gas emissions, as well as reducing overall vehicle miles traveled (VMT).

2. The Revised 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 bus corridors and transit stations. The Framework Element which aims to focus mixed-use development around transit stations while “protecting and preserving surrounding low-density neighborhoods from the encroachment of incompatible land uses.” The Revised Project protects residential neighborhoods from incompatible land uses through the new zoning regulations for hybrid industrial/industrial mixed-use land uses and 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 Revised Project supports the policies and goals of the General Plan Framework Element. The Revised Project would improve the link between the locations of land use and transportation in a manner that is consistent with the City’s Framework Element. Implementation of the Revised Project would direct growth to transit hubs and corridors, away from low density neighborhoods, which supports Framework Objective 3.7, which provides for the “stability and enhancement of multi-family residential neighborhoods.” The Revised Project would accommodate a variety of housing and commercial opportunities near the Metro E Line (Previously L Line) rail stations and along major corridors with bus lines while maintaining zoning and development regulations in established residential neighborhoods. Further, the Revised Project would continue to allow for light industrial and commercial uses, ensuring that the numerous existing light industrial uses within the area do not become legally non-conforming. Therefore, the Revised Project supports the policies and goals of the General Plan Framework by maintaining existing employment centers in the light and heavy industrial areas of the CPA, supporting Framework Objective 3.14 to “provide land and supporting services for the retention of existing and attraction of new industries.” A vision of concentrated and mixed-use development adjacent to transit areas is promoted to conserve resources, protect existing stable residential neighborhoods and improve air quality by reducing vehicle-reliance.
4. The Revised Project enhances the quality of life for existing and future residents by including updates to land use designations and zones that are intended to accommodate the growth anticipated in the SCAG 2040 forecast in a sustainable way. New growth and housing are to be directed along identified

corridors and mixed-use transit nodes where future residents would live within walking distance of transit and commercial amenities, reducing reliance on cars. Due to the proximity to major cultural and employment centers such as Downtown Los Angeles, the LAC+USC Medical Center campus, and the regional industrial center of Vernon, the Project Area is well-suited for equitable transit-oriented development, allowing for new housing and affordable housing near existing E Line (formerly L Line) stations and bus lines for current and future residents to readily access jobs and amenities using public transportation. The proposed land use and zone changes associated with The Revised Project, would allow for opportunities to increase the amount of jobs and housing that would be located within close proximity to transit and to each other, which would reduce vehicle work trips, resulting in a decrease in per capita VMT in support of Assembly Bill 32 and Senate Bill 375 as well as the Framework Element objectives.

5. The Revised Project would concentrate new development within High Quality Transit Areas (HQTAs), as specified in the RTP/SCS, and in Transit Priority Areas (TPAs). By increasing development intensity near transit stations, The Revised Project would encourage a transportation mode shift from private vehicles to public transit. These characteristics are anticipated to reduce per capita GHG emissions associated with cars and light trucks. The Revised Project would be consistent with AB 32, SB 32, the 2017 Scoping Plan, SB 375, the RTP/SCS, regional and local strategies to reduce GHG, and can be expected to contribute to reductions in per capita GHG emissions when viewed at the regional level.
6. The Revised Project incorporates features to help minimize impacts to historical resources. Implementation of the Boyle Heights Community Plan Implementation Overlay (CPIO) District procedures would ensure that any resource within CPIO Subarea B that is eligible for listing as a historical resource in SurveyLA or the Intensive Historic Resource survey is subject to a discretionary review process, and if it is determined to be historic, an environmental review process would be required to mitigate or avoid impacts to the historical resource. Environmental review would continue to be required for existing designated historic resources throughout the CPA. 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.
7. The Revised Project responds to the regional housing and homelessness crisis and the corresponding increasing cost of housing in the City of Los Angeles by including policies and affordable housing incentives through the community benefits program aimed at providing affordable housing in association with new housing development and reducing homelessness. Additional incentives are provided for projects that provide 100% of the units on-site as affordable units. In addition, the Revised Project contains several policies and implementation programs aimed at keeping existing residents and

tenants in their homes. Directing new housing growth and development towards mixed-use corridors and away from existing lower density multi-unit neighborhoods alleviates redevelopment pressure on existing multi-unit, rent stabilized housing units. Furthermore, the Revised Project introduces hybrid industrial uses in the River-Adjacent areas which allows for housing development in areas where housing was previously not permitted, promoting housing growth and capacity in the CPA.

8. The Revised Project responds to the need to increase and enhance open space opportunities through a requirement for Lot Amenity space on each development site and provides an incentive for developments that make the Lot Amenity space publicly accessible.
9. The Revised Project generally directs growth to areas identified by SCAG as HQTA. Job growth in the area will be directed to the transit corridors and nodes in the CPA, which are well served by public transportation – both high-frequency Metro rail and local bus routes. The proximity of these jobs to transit will result in fewer vehicle trips as commuters travel to and from home to work daily.
10. The Revised Project seeks to enhance access to all modes in the local circulation system, improving access on transit, roadways, bicycle, and pedestrian facilities. This is accomplished through applying new land use and zoning regulations to encourage mixing and scales of use as well as site design supportive of all modes. The Revised Project also implements the City’s Mobility Element (MP 2035) with a refined lens on the CPA and is consistent with the objectives of the SCAG RTP/SCS, and the City’s approach to transportation planning. The proposed mobility improvements would provide transportation options and accommodations for multiple modes of travel (i.e., transit, bicycle, pedestrian, and vehicle) as part of the transportation system.
11. The Revised Project is the product of a comprehensive public participation effort that includes public input from a range of stakeholders, including residents, homeowners, business owners, students, employees, community advocates, as well as review and input by the City Planning Commission, and the City Council in order to address prevailing housing, neighborhood, and community issues. The policies and programs for the Revised 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 Revised Project, and (iv) balanced the specific economic, legal, social, technological, and other benefits of the Revised Project, including region and statewide environmental benefits, against the Revised Project’s potential significant and unavoidable impacts, the City Council hereby finds that the benefits of the Revised 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.”