City of West Hollywood

# 8497-8499 Sunset Boulevard Mixed Use Project

## CEQA INITIAL STUDY & MITIGATED NEGATIVE DECLARATION

August 23, 2012

# TABLE OF CONTENTS

**Section** **Page**



**Appendix**

# I. PROJECT DESCRIPTION

**Project Information**

Project Title: 8497-8499 Sunset Boulevard Mixed Use Project

Project Location: 8497-8499 Sunset Boulevard, West Hollywood, California (Assessor's Parcel No. 5555-007-009)

Project Applicant: Frank Damavandi
Karma Development, LLC
11640 San Vicente Blvd, #205
Los Angeles, CA 90049

Lead Agency: City of West Hollywood
Community Development Department
8300 Santa Monica Boulevard, 2nd Floor
West Hollywood, CA 90069

Contact: Francisco J. Contreras, AICP, Senior Planner (323) 848-6874

General Plan/Zoning: Sunset Specific Plan (SSP)/Sunset Specific Plan (SSP)

**Location**

The project site is located at 8497-8499 Sunset Boulevard, on the north side of Sunset Boulevard immediately west of Sunset Boulevard's intersection with North La Cienega Boulevard. The project site is located on Assessor's Parcel No. 5555-007-009. The site lies within the City of West Hollywood. (See Figure I-1 for a regional and vicinity map and Figure I-2 for an aerial map.)

The subject property includes frontage on the north side of Sunset Boulevard at the La Cienega Boulevard intersection. The western portion of the property fronts Miller Drive near the point where Miller intersects Sunset Boulevard.

Existing site development consists of a three-story apartment building (two stories atop a ground floor covered car port), a swimming pool, and covered parking spaces. The building fronts Sunset Boulevard with covered carports on the ground floor along Miller Drive, on the west side of the building, and in the rear. The three-story complex is centered on an open area that includes a swimming pool and landscaping. A steeply sloping hillside behind the existing building rises 104 feet above the street level on Sunset Boulevard to a single-family residence (1370 Miller Place) north of the project site. Two multi-family residential buildings are adjacent to the west of the project site on Miller Drive and a single-story minimart with a billboard on top of

the structure's roof is located immediately adjacent to the east of the project site on Sunset Boulevard.

The architecture of the existing structure is generally similar to many other multi-family residential structures in the area. The building material is primarily concrete painted white but contains green wood trim and railings. The paint is worn and appears to be cracking along the wood trim. The structure has a green façade and eight exterior balcony spaces for private use along Sunset Boulevard. Landscaping onsite is minimal with trees and shrubs at the rear of the property along the hillside, planter trees located around the swimming pool, and palm trees and shrubs on the western property line between the existing structure and the adjacent multi- family residential structures to the west on Miller Drive.

The hills to the north, northeast, and northwest of project site are visible to pedestrians and motorists through the project site from both Sunset Boulevard and La Cienega Boulevard. The hillside is covered by unkempt ruderal vegetation and debris. Partial views of single-family residences atop the canyon hillsides to the northeast and northwest located in the City of Los Angeles are visible from the project site. The residence located to the north above the project site is not visible from the base of the hillside due to the relatively steep slope and due to existing vegetation. Looking east from the rear of the site offers a view of the rear paved parking lot of the adjacent commercial development located at 8481 Sunset Boulevard. The parking lot of the adjacent commercial development extends north into a canyon area that contains overgrown weeds, trash and debris.

Views of the Los Angeles basin are visible from the project site. Looking south from the project site down La Cienega Boulevard offers the most uninterrupted view of the basin. However, some views are blocked by the existing structures located on the south side of Sunset Boulevard, including the seven-story building on the southeast corner of Sunset Boulevard and La Cienega Boulevard, the two and three-story buildings to the southwest along Sunset Boulevard along with a billboard atop the roof of one of the buildings, and a ten-story building at the corner of Alta Loma Road and Sunset Boulevard.

**Surrounding Land Uses and Setting**

The project site is within the Sunset Boulevard commercial corridor, but is also located adjacent to residential units to the west along Miller Drive and to the north in the city of Los Angeles. The project site encompasses 14,810 square feet (sf) or about 0.34 acres, and is currently developed with a three-story, 16,240 sf multi-family residential building. The ground floor level is a covered parking area and the upper two floors contain 31 residential units.

Residents of the existing multi-family residential building access their covered parking spaces directly from Sunset Boulevard, across from the intersection of Sunset Boulevard and La Cienega Boulevard. Regional access to the site is provided by the US-101 or the I-405 freeways connecting to Highway 2 (Santa Monica Boulevard).

The Sunset Boulevard Commercial Corridor generally comprises the area along Sunset Boulevard from Doheny Drive (near the Beverly Hills city limit) to Laurel Canyon Boulevard/Crescent Heights Boulevard. Sunset Boulevard is an internationally known corridor recognized for its entertainment uses, restaurants, and billboards. Sometimes referred to as "Sunset Strip," Sunset Boulevard serves as a major traffic artery for the Los Angeles region, connecting Downtown to the Westside. It also serves as a shopping district for West Hollywood residents and tourists. Mid- and high-rise buildings are dispersed among the residential neighborhoods that directly abut Sunset Boulevard. In the hills (City of Los Angeles), to the north, there are typically single family residences. South of Sunset Boulevard (City of West Hollywood), there is a combination of both low-density single family residences and high-density multifamily housing units. The Sunset Boulevard landscape contains automobile and billboard advertisements that have been incorporated into much of the urban design. With their extra-large scale, unique designs, and symbolic reference to movie glamour, the billboards are a significant part of the street's visual character (Sunset Specific Plan, 1996).

The project site is part of the La Cienega Gateway subarea of the Sunset Specific Plan, which provides a link between the shopping and eating establishments of Sunset Plaza to the west and the hotels and offices located east of La Cienega Boulevard (Sunset Specific Plan, 1996). The La Cienega Gateway area extends from Alta Loma Road on the west to Queens Road on the east and includes a cluster of restaurants, retail stores and offices designed for pedestrian use. From Alta Loma Road to La Cienega Boulevard, buildings are one and two-stories in height on the north side of Sunset Boulevard and on the south side buildings are two and three-stories in height. East of the project site on Sunset Boulevard toward Queens Road, the urban design of La Cienega Gateway changes slightly as density decreases and building heights vary greatly. Adjacent to the project site to the east (north side of Sunset Boulevard) is a single-story commercial retail strip that includes a minimart, print shop, shoe store, tanning salon, electronics retail shop, and a dry cleaning business; a billboard structure facing east on Sunset Boulevard sits on top of the minimart structure. East of this commercial strip, there is a paved lot used for billboards that extends to Queens Road. Immediately north of the billboards is steep hillside. On the south side of Sunset Boulevard, many of the buildings increase in height, including a seven-story building on the southeast corner of Sunset Boulevard and La Cienega Boulevard. This structure displays billboards on both the east and west sides of the building that measure at least 50 feet in height. However, despite taller building heights on the south side of Sunset Boulevard (to the east of the project site), there is vacant space between buildings that provides view corridors of the Los Angeles Basin. Looking south from Sunset Boulevard, the open spaces created from the spacing between buildings along with the steep decline in elevation just south of Sunset Boulevard gives pedestrians a scenic view of portions of the Los Angeles basin. To the west of the project site, on the south side of Sunset Boulevard, buildings are one to two-stories in height but the density of development is higher than that of the blocks to the east of the project site and does not offer pedestrians views of the Los Angeles Basin.

However, because the height of the buildings on the south side (west of the project) are mainly one to two-stories, elevated viewpoints along Miller Drive offer views of the Los Angeles Basin to the southwest.

Adjacent to the east of the project site is an 8-foot storm drain easement separating the site from neighboring retail uses. One two-story commercial building and one seven-story commercial building are located directly across Sunset Boulevard to the south of the project site. Single-story commercial buildings are located to the east of the project site, including a minimart/deli (adjacent), a retail boot shop, a print shop, a tanning salon, an electronics store, and a dry cleaner. A two-story commercial building is located to the southwest of the project site on Sunset Boulevard; north of the project site, atop the steeply sloping hillside, are single-family residences in the City of Los Angeles. Adjacent to the west of the project site on Miller Drive are two- and three-story multi-unit residential structures. Proceeding west from the project site, Miller Drive crosses the Los Angeles City boundary.

**Figure I-1, Regional and Project Vicinity Map**

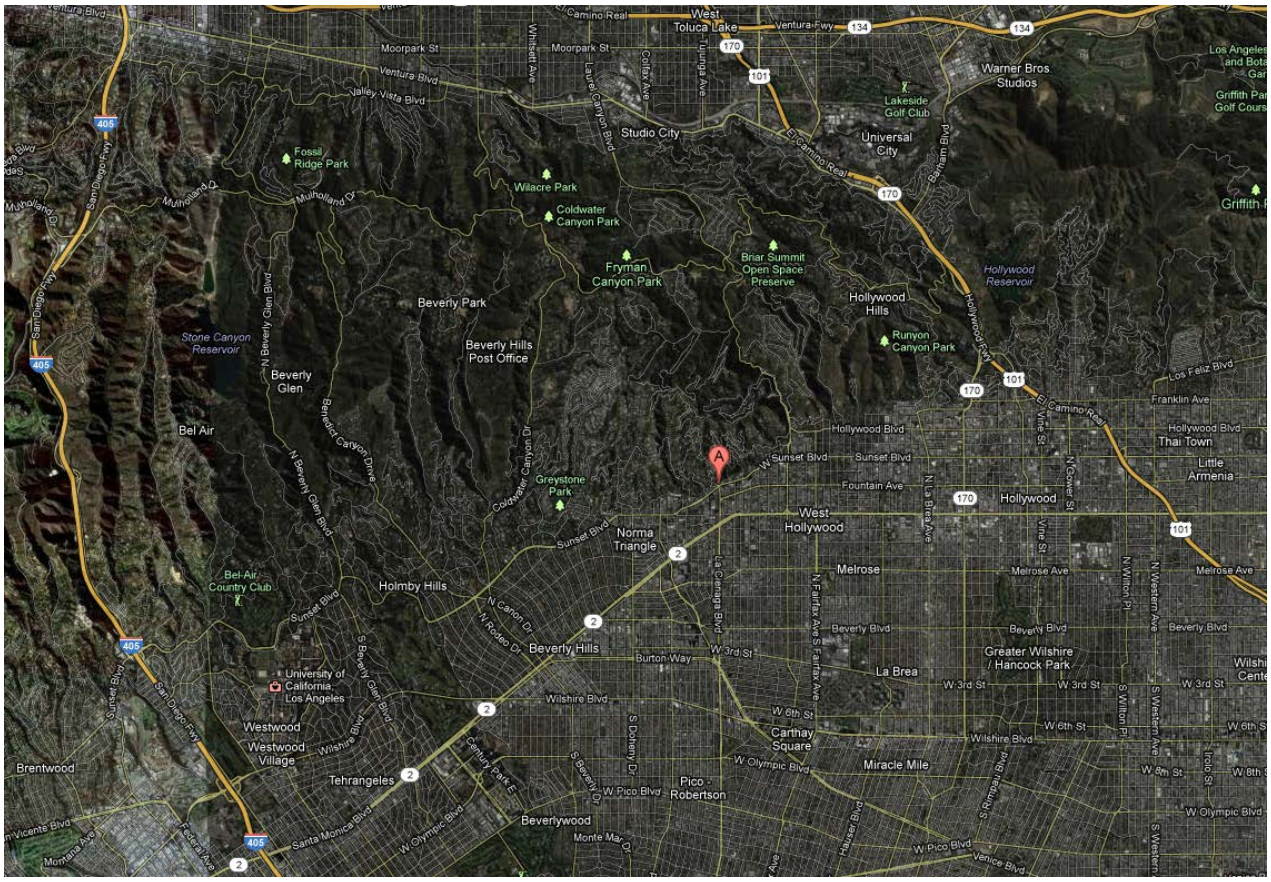

**Figure I-2, Aerial Map**


**Proposed Project Characteristics**

The proposed project involves the construction of a five-level, 28,139-square-foot mixed-use building at 8497-8499 Sunset Boulevard. The project would include 11 rental apartments (including one affordable rental unit) and approximately 11,240 square feet (sf) of commercial space. The proposed building would be 40 feet tall (based on the height measurement methodology for sloping sites, as defined in Section 19.20.080.B.2(c) of the West Hollywood Municipal Code. The project's required 1,000-square-foot common open space is eliminated and replaced with an equal increase in private open space that results in the same total open space square footage as would be required (per WHMC 19.36.170.B.5). The project requires 98 parking spaces for the combined uses per City Code but 105 spaces are proposed as part of the project. Vehicular access for all onsite parking spaces would be taken from Miller Drive at the southwestern corner of the proposed building. An architectural billboard oriented toward Sunset and La Cienega Boulevards is proposed as part of the façade above the retail space at the second level. Below is a description of proposed uses on each floor.

- Ground Floor. The ground floor would include a 4,992 sf restaurant facing Sunset Boulevard and 4,528 sf of retail space. This commercial component would be set back from the street, landscaped and furnished. In addition, there would be open space adjacent to the restaurant and retail space that would offer street trees, tables and

chairs. A commercial vehicle loading zone will be provided west of the proposed driveway along the southwestern edge of the property.

- Terrace Level. A 1,720 sf outdoor dining terrace would be located above the restaurant on the second level. This terrace would be accessed from the interior of the restaurant.

- Level 2. The second level would contain the entry/first floor of six two-story townhouse-style apartment units; and one single-story one-bedroom apartment. Outdoor private open space is provided for each unit ranging in size from 130 sf to 407 sf.

- Level 3. The third level would consist of the second story of each of the six townhouse units from Level 2.

- Level 4. The fourth level would contain the entry/first floor of four two-story townhouse-style apartment units. Outdoor private open space is provided for each unit ranging in size from 97 sf to 450 sf.

- Level 5. The fifth level would consist of the second story of each of the four townhouse units from Level 4. Outdoor private open space is provided for each unit ranging in size from 217 sf to 1,259 sf.

- P-1 Level. The parking garage would be located directly below the proposed building. Ingress and egress for the subterranean parking garage would be taken from Miller Drive at the southwestern corner of the proposed building. All commercial parking will be valet only and a valet will be provided during all times that the commercial component of the project is operational. 23 commercial parking spaces would be provided on this level.

- P-2 Level. 25 commercial parking spaces would be provided on this level.

- P-3 Level. 28 commercial parking spaces would be provided on this level.

- P-4 Level. 21 residential parking spaces and 8 commercial parking spaces would be provided on this level.

The major characteristics of the proposed project are summarized in Table I-1 below:

**Table I-1**
**Summary of Project Characteristics**

| | |
|---|---|
| Total Lot Size | 14,810 sf (0.34 acres) |
| Proposed Building Size | 28,139 sf |
| Proposed Height | 40 feet* |
| Type of Project | Mixed-use (commercial/residential) |
| Parking | 105 spaces |
| Proposed number of residential units | 11 |
| Commercial Space | 9,520 sf |

* Based on the height measurement methodology for sloping sites, as defined in Section 19.20.080.B.2(c) of the West Hollywood Municipal Code.

The proposed project would be constructed in a single phase. In order to accommodate the proposed building, the existing 16,240 sf building would be demolished along with the covered parking spaces on the ground level. The existing topographic contours of the relatively flat southern portion of the site would generally remain. No construction is proposed in the rear portion of the property that lies in the City of Los Angeles. Site preparation would involve the excavation for the proposed subterranean parking garage.

**Discretionary Actions and Agency Approvals**

No other public agency approvals are required. The following approvals would be required from the City of West Hollywood:

- Approval of Demolition and Development Permits;
- Approval of a Billboard Permit; and
- Approval of building design and materials, as well as landscaping.

**Earlier Analyses**

Per CEQA Guidelines, earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR, or negative declaration (Section 15063 (c)(3)(D)). An EIR was certified by the City of West Hollywood on January 18, 2011 for a larger development project ("larger project") proposed by

the same applicant, Karma Development, LLC, that would encompass the subject site (APN 5555-007-009) and the adjoining site (APN 5555-007-010) located in the City of Los Angeles. That application involved demolition of the existing 31-unit apartment complex for the construction of an 8-level, 62,605-square-foot mixed use project consisting of 34 residential dwelling units (including 10 on site affordable units) and 9,160 square feet of commercial (retail and restaurant) use, as well as an integrated 20' x 60' billboard. The building would be 40 feet tall (based on the height measurement methodology for sloping sites, as defined in Section 19.20.080.B.2(c) of the West Hollywood Municipal Code. The project required approvals from both the City of West Hollywood and the City of Los Angeles. While the City of West Hollywood approved the portion of the project located in the City of West Hollywood, approval of the entire project was contingent on the applicant acquiring approvals from the City of Los Angeles for that portion of the project that was located within the jurisdiction of the City of Los Angeles. Because the applicant has not successfully obtained the required approvals from the City of Los Angeles, the larger project has not been built. The EIR for the larger project has been included as Appendix C of this document and is incorporated herein by reference.

The proposed reduced project involves the construction of a five-level, 28,139-square-foot mixed-use building on the subject site only (APN 5555-007-009). No construction is proposed on the adjacent parcel (APN 5555-007-010) located in the City of Los Angeles. The proposed project would include 11 rental apartments (including one affordable rental unit) and approximately 11,240 square feet of commercial space. The proposed building would be 40 feet tall (based on the height measurement methodology for sloping sites, as defined in Section 19.20.080.B.2(c) of the West Hollywood Municipal Code.

While the architectural style of the building has remained the same (both projects are designed by the same architect) the proposed project size has been reduced by approximately 45% from the previously approved (but never built) project. Although the impacts of this much smaller project will be reduced due to the decrease in project scope and size, the applicant has agreed to incorporate all the required mitigation measures from the previously certified EIR as part of this project. Where appropriate, this document will reference sections of the previously certified EIR to indicate where an effect has been adequately analyzed in this earlier EIR.

# II. INITIAL STUDY CHECKLIST

## ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

| | | |
|---|---|---|
| ☐ Aesthetics | ☐ Greenhouse Gas Emissions | ☐ Population/Housing |
| ☐ Agricultural and Forestry Resources | ☐ Hazards & Hazardous Materials | ☐ Public Services |
| ☐ Air Quality | ☐ Hydrology/Water Quality | ☐ Recreation |
| ☐ Biological Resources | ☐ Land Use/Planning | ☐ Transportation/Traffic |
| ☐ Cultural Resources | ☐ Mineral Resources | ☐ Utilities/Service Systems |
| ☐ Geology/Soils | ☐ Noise | ☐ Mandatory Findings of Significance |

## DETERMINATION

**On the basis of this initial evaluation:**

|X| **I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.**

☐ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions on the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ I find the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ I find the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

| | | |
|---|---|---|
| FCC | Senior Planner | 8/23/12 |
| **SIGNATURE (Francisco J. Contreras, AICP)** | **TITLE** | **DATE** |

**EVALUATION OF ENVIRONMENTAL IMPACTS:**

1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants based on a project-specific screening analysis).

2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.

3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less that significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.

4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of a mitigation measure has reduced an effect from "Potentially Significant Impact" to "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from "Earlier Analysis," as described in (5) below, may be cross referenced).

5) Earlier analysis may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR, or negative declaration. Section 15063 (c)(3)(D). In this case, a brief discussion should identify the following:

    1) Earlier Analysis Used. Identify and state where they are available for review.

    2) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.

    3) Mitigation Measures. For effects that are "Less Than Significant With Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or

refined from the earlier document and the extent to which they address site-specific conditions for the project.

6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated

7) Supporting Information Sources: A sources list should be attached, and other sources used or individuals contacted should be cited in the discussion.

8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whichever format is selected.

9) The explanation of each issue should identify:

   1) The significance criteria or threshold, if any, used to evaluate each question; and

   2) The mitigation measure identified, if any, to reduce the impact to less than significance.

## ENVIRONMENTAL IMPACTS

| | Potentially Significant Impact | Potentially Significant Unless Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|---|---|---|---|
| **I. Aesthetics.** Would the project: | | | | |
| a. Have a substantial adverse effect on a scenic vista? | ☐ | ☐ | ☒ | ☐ |
| b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings, or other locally recognized desirable aesthetic natural feature within a city-designated scenic highway? | ☐ | ☐ | ☐ | ☒ |
| c. Substantially degrade the existing visual character or quality of the site and its surroundings? | ☐ | ☐ | ☒ | ☐ |
| d. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? | ☐ | ☐ | ☒ | ☐ |

**Response I.a:**

A significant impact would occur if a proposed project introduces incompatible visual elements within a field of view containing a scenic vista or substantially blocks a scenic vista. Panoramic views are usually associated with vantage points looking out over a section of urban or natural area, which provide a geographical orientation not commonly available. Examples of panoramic views might include an urban skyline, valley, mountain range, the ocean, or other water bodies.

While West Hollywood, located at the base of the Santa Monica Mountains, offers views of the Hollywood Hills and the Los Angeles Basin, there are no officially designated scenic vistas in the City. Vista points can be found along Sunset Boulevard, both as viewed from urban areas toward the hills and from Sunset Boulevard toward the Los Angeles Basin. In general, these local viewsheds are located in the northern portion of the City, adjacent to the hillside areas.

The project site is located along the north side of Sunset Boulevard within a commercial corridor in West Hollywood. The proposed project involves the construction of an five-story mixed use structure that would measure 28,139 square feet. Currently, the project site is occupied by a three-story apartment building with 31 units, ground floor carports, and a swimming pool. All

existing structures would be demolished in order to accommodate the proposed project. The site is not situated on any designated view corridor or state scenic highway and does not include designated scenic resources, such as rock outcroppings. There are no heritage trees on the site.

The project site is located along Sunset Boulevard, which offers views of both the hillsides north of Sunset Boulevard and of the Los Angeles Basin. Project development involves replacing the existing three-story building on the site with a taller building that would incrementally alter views of the hillside and the Los Angeles basin from surrounding public and private viewpoints. However, project development would not degrade the existing public views of the hillside and would not block public views of the Los Angeles basin. Therefore, impacts would be less than significant.

Partial views of the hillsides north of Sunset Boulevard are visible to pedestrians and motorists on Sunset Boulevard and La Cienega Boulevard looking through the project site. The existing views to the north and northwest of the project site are blocked by the existing development (both at the project site and by the adjacent multi-family residential structure on the west). The views are also blocked by existing residential development atop the hillside. As these views of the hillsides are already blocked by existing development, the proposed project would not result in substantially decreased views of the hillsides to the north and northwest of the site.

The proposed project would introduce slightly higher building heights, greater massing, more reflective materials and a static image billboard to a site currently developed with lower-profile structures; this change would alter the existing visual character of the site. The existing hillside in the northern portion of the site, which contains native and nonnative plant species, will not be altered as no construction is proposed on the portion of that portion of the property that lies within the City of Los Angeles. Note that the existing landscaping to be removed does not include any sensitive species and is not designated as a landmark.

Looking through the project site to the northeast, pedestrians and motorists are able to view trees and other vegetation along the steep hillside. Project development would alter public views of this portion of the hillside. However, the proposed project incorporates setbacks that would preserve much of the view to the hillside to the northeast. In summary, as much of the hillside view to the north and northwest of the site is already blocked by existing development, and because project design would preserve much of the view of the hillsides to the northeast of the site, impacts related to views of the surrounding hillsides would be less than significant.

Due to the elevation of the project site, the view from the site and surrounding properties to the south, although limited peripherally to the east and west as a result of existing development, offers substantive views of the Los Angeles Basin. Of particular visual prominence are the commercial buildings and high-rise towers forming the skyline to the southeast of the project site towards Wilshire and Olympic Boulevards (La Brea) and to the southwest towards Beverly Hills. These skyline views are prominent not only during the daytime, but also at night when the city lights of the Los Angeles Basin dominate the skyline. Minimal views are available to pedestrians

on Sunset Boulevard. The existing views are also visible from private residences along the hillside north of Sunset Boulevard and apartment units along Sunset Boulevard. Construction of the proposed project would incrementally alter the private views of the Los Angeles Basin. However, views from private vantage points are not protected under CEQA or by the City of West Hollywood, particularly when such views represent several private viewpoints rather than a larger neighborhood or substantial collection of private properties. Life in an urbanized environment carries with it the fact that buildings interrupt views and become part of the viewshed. The planning and zoning regulations and procedures of the City of West Hollywood include height, massing, yards, and setbacks regulations, for aesthetic purposes in part, but potential impacts to the particular views of persons from private vantage points are not regulated or guaranteed and are not considered potentially significant environmental impacts pursuant to CEQA.

The proposed project would not block any existing public views of the Los Angeles Basin, largely because the project site is set against the hillside on the north side of Sunset Boulevard. Consistent with Objectives 5 and 6 of the Sunset Specific Plan, the proposed project would preserve views of the Los Angeles Basin for pedestrians and motorists and create new views of the basin through the incorporation of view terraces for both residents and the public. Project components that would preserve and in some cases enhance the views of the Los Angeles Basin include:

- Over 2,000 square feet of open space on the ground floor adjacent to the restaurant and retail space that would offer street trees, tables and chairs where customers can view the Los Angeles Basin.

- A 1,720-square-foot outdoor dining terrace located above the restaurant on the second level. This terrace would be accessed from the interior of the restaurant and would provide views of the basin while customers frequent the restaurant.

- Residential units on levels two through five would have ample views of the Los Angeles Basin through windows, view-terrace decks, internal open space yards, and rooftop terraces.

As such, the project would not degrade or obstruct views of the Los Angeles Basin. The proposed commercial component of the project would increase the opportunity for public views of the Los Angeles Basin. Therefore, impacts to scenic vistas would be less than significant; no mitigation measures are required.

**Response I.b:**

A significant impact would occur only where scenic resources would be damaged or removed by the project. The Project Site does not contain trees with scenic significance or rock outcroppings and are not located within a state scenic highway. There are currently no designated state

scenic highways or eligible state scenic highways in the City of West Hollywood.[1] The Project would have no impact related to scenic resources.

**Response I.c:**

A significant impact may occur if a project introduces incompatible visual elements on the project site or visual elements that would be incompatible with the character of the area surrounding the project site.

The proposed mixed use structure would be greater in mass and different in architectural design compared to the existing onsite residential building and adjacent development. However, the proposed structure would be generally consistent with the height and massing of structures along the Sunset Boulevard corridor. The project is also designed to complement the existing topography of the site and the topography of the adjacent hillside properties.

An analysis of the massing and scale of buildings within a one-block radius of the project site shows that buildings of similar mass and scale as the proposed project are found within the Sunset Boulevard corridor. Examples of existing structures of similar mass and scale as the proposed project include the seven-story commercial structure south of the site on the southeast corner of Sunset Boulevard and La Cienega Boulevard; the fourteen-story commercial/residential building southeast of the project site on the southwest corner of Sunset Boulevard and North Olive Drive; and the ten-story structure located southwest of the project site on the southwest corner of Sunset Boulevard and Alta Loma Road. The proposed structure would be generally consistent with the mass and scale of development within the Sunset Boulevard corridor.

Single-story commercial buildings are located to the east of the project site, including a minimart/deli (adjacent), a retail boot shop, a print shop, a tanning salon, an electronics store, and a dry cleaner. A two-story commercial building is located to the southwest of the project site on Sunset Boulevard; north of the project site, atop the steeply sloping hillside, are single-family residences. Adjacent to the west of the project site on Miller Drive are two- and three-story multi-unit residential structures. The existing three-story apartment complex on the project site is generally consistent with the mass and scale of development to the north, east and west of the project site. The proposed building would be two stories taller than the existing onsite building; and therefore, would incrementally alter the existing visual character of the site and its surroundings. However, as discussed earlier, according to the Sunset Specific Plan (SSP), the recommended height for a structure on the project site is 40 to 45 feet. The maximum height of the proposed building would be 40 feet based on the height measurement methodology for sloping sites, as defined in Section 19.20.080.B.2(c) of the West Hollywood Municipal Code. Section 19.10.050 of the City's Municipal Code and the SSP sate that the maximum allowable

[1] *City of West Hollywood, General Plan, Final EIR, October 2010, pg 3.1-8: http://www.weho.org/Modules/ShowDocument.aspx?documentid=9823*

height could be increased to 85 feet provided that the onsite building design is such that it is a "Vertical Landmark Building"[2] that acts as a gateway to Sunset Boulevard. The proposed structure is designed to be consistent with Objectives 1 and 2 of the SSP, by including common and private open space amenities, including view terraces, and proposing to widen sidewalks along Sunset Boulevard, which would allow for pedestrian-oriented uses that provide a link between the shopping and restaurants of Sunset Plaza to the west and the hotels and commercial office buildings to the east. In addition, the proposed building height meets zoning ordinance standards per the Zoning Code and the Sunset Specific Plan.

It should also be noted that the project would be set against an approximately 100 foot high, steep slope; this would make the new building's height somewhat subordinate to the hillside above, reducing the impact of the height. The proposed building's stepped-back design would also help de-emphasize the height.

As discussed above, the proposed project would not degrade the visual character or quality of the site or neighborhood, and the overall massing would be generally consistent with the scale of surrounding newer development. In addition, exterior design elements including open space areas, street setbacks, rear-yard setbacks, the billboard fronting Sunset Boulevard, and landscaping serve to provide visual interest while maintaining consistency with the Sunset Specific Plan.

For these reasons, impacts to the existing visual character and quality of the site and its surroundings would be less than significant, and therefore, no mitigation measures are required.

**Response I.d**

A significant impact may occur if a project introduces new sources of light or glare on the project site which would be incompatible with the areas surrounding the project site or which pose a safety hazard, such as to motorists utilizing adjacent streets. Land uses in the vicinity that would be most sensitive to night lighting are the residences located on Miller Drive west of the project site; residences atop the hills north of the project site located on Miller Place; and residences south of the project site on La Cienega Boulevard.

*Glare*

Construction of the proposed project would eliminate some existing light and glare sources and introduce new ones. The proposed five-level building would increase glare on the project site as compared to the existing three-story apartment building. The proposed project would consist of materials that are more reflective compared to the current low- to moderately reflective building.

[2] *The Sunset Specific Plan defines landmark building as "a building whose design and placement are such that they add a significant point of reference to the street."*

Potential sources of glare would consist of glazing (windows) and other reflective materials used in the façade of the proposed structure; however, the glare from the windows of the proposed building would be similar to glare produced by other structures in the vicinity. Given that lighting and glare would be similar to that of surrounding development and with the mandatory compliance with light and glare regulations of the City of West Hollywood Municipal Code, impacts related to light and glare would be less than significant. Furthermore, pursuant to Section 19.46.050 the Municipal Code, the Community Development Director will have review and approval of authority over the architectural design, which includes exterior finishing for proposed development; this section of the code prescribes that specific design elements such as exterior finishes "have been incorporated into the project to further ensure the compatibility of the structures with the character of surrounding development." Therefore, impacts due to glare will be less than significant; no mitigation is required.

*Lighting*

Potential new sources of lighting would include the windows of the proposed building and spillover of light onto the street and toward neighboring land uses from the illumination of exterior building areas. The subterranean parking garage ingress and egress points in the western portion of the site would also be lighted, and headlights of vehicles entering and exiting the subterranean garage at night would cast light onto roadways and surrounding properties. In addition, building signs, including those used to identify the first and second floor commercial uses, and the proposed digital billboard fronting Sunset Boulevard would emit light. The project would be required to comply with adopted City regulations that limit the design, intensity and impacts of night lighting. These regulations in Section 19.20.100 of the Municipal Code, require that outdoor lighting be designed to prevent glare, light trespass, and sky glow. Pursuant to Section 19.46.050 the Municipal Code, the Community Development Director will have review and approval of authority over the architectural design, including the lighting plans for proposed development; this section of the code prescribes that specific design elements such as lighting "have been incorporated into the project to further ensure the compatibility of the structures with the character of surrounding development."

The area around the project site on Sunset Boulevard is vibrant and bright. In the immediate vicinity of the project site are several large traditional billboards and two large digital billboards. The proposed billboard would be of equivalent brightness as billboards in the greater Los Angeles area, and would be substantially lower in brightness when compared to the nearby digital billboards. The project would add to the envisioned character of the Sunset Boulevard while minimizing any potential adverse effects to the immediate vicinity of the project.

Impacts related to outdoor lighting, including light associated with the billboard, would be less than significant. Furthermore, as a standard condition of approval in the City of West Hollywood, prior to the issuance of any building permits, the applicant is required submit plans and specifications for all building materials, including a lighting plan for the proposed billboard, to the Planning Division for review and approval by the Community Development Director. Therefore, lighting impacts will be less than significant; no mitigation is required.

*Shadows*

In order for a project to generate a significant shadow impact, it must increase shadows cast upon shadow-sensitive uses. Shadow impacts are considered significant if shadow-sensitive uses would be shaded by project related structures for more than three hours between late October and early April (including Winter Solstice), or for more than four hours between early April and late October (including Summer Solstice). Facilities and operations sensitive to the effects of shading include: solar collectors; nurseries; primarily outdoor-oriented retail uses (e.g., certain restaurants); or, routinely useable outdoor spaces associated with recreational, institutional (e.g., schools), or residential land uses. These uses are considered sensitive because sunlight is important to their function, physical comfort, and/or commerce.

The proposed structure would cast shadows onto adjacent properties, particularly in the wintertime when shadows are most extreme. However, as no shadow-sensitive land uses would be shaded for extended periods, shadow impacts would be less than significant.

The existing three-story apartment building on the project site is comprised of two stories of residential units above one level of covered parking on the ground level. The proposed five-story mixed use building would be two stories taller than the existing building on the project site. However, the proposed building's stepped-back design would help de-emphasize the height. In addition, the proposed building mass is greater than that of the existing building and would be oriented differently; therefore, the project would cast shadows on more and different areas than the existing structure. The property immediately east of the project site is a one-story commercial structure (8491 Sunset Boulevard) that also includes a 41-foot tall billboard.

Adjacent to the west of the project site on Miller Drive are two- and three-story multi-family residential structures standing 20 and 33-feet tall respectively (1318 Miller Drive). To the north, above the hillside on the project site, is an existing two-story single family residence (1370 Miller Place) which sits at an elevation of approximately 104 feet above street level on Sunset Boulevard.

In general, shadows cast by buildings are longest at the winter solstice and shorten through the equinox periods until their shortest length during the summer solstice. The projected summer solstice (June 21) shadows are illustrated on Figure I-1.. During summer mornings, shadows would fall to the northwest, and would project onto the northeast corner of the adjacent three-story residential structure. However, the northeast corner of the adjacent structure is currently shaded by an existing tree. In addition, the adjacent structure would be only partially shaded, and for less than four hours. As the day progresses, morning shadows would shorten and move northeast. At noon, shadows from the proposed project would be minimal and would not project onto any adjacent properties. Due to the elevation difference, shadows would not project onto the single-family residence atop the hillside to the north. The project's shadow would lengthen toward the southeast throughout the afternoon during summer, falling onto the adjacent commercial structure (8491 Sunset Boulevard) and the surface parking lot located in the rear of the commercial structure; however, there are no windows, balconies or any other light sensitive

uses where the shadows would fall. In addition, the adjacent structure to the east would not be shaded for more than four hours during the summer. Therefore, shadow impacts would be less than significant during the summer.

Figure I-2 shows winter solstice shadows that would be generated by the proposed project. During winter mornings, as evidenced by the 9:00 a.m. graphic, shadows would fall to the northwest, and would project onto the northeast corner of the adjacent three-story residential structure. However, as discussed above, an existing tree currently shades the northeast corner of the adjacent structure. In addition, the adjacent structure would be only partially shaded, and for less than three hours. At noon, shadows shorten and shift to the northeast upon the hillside to the north, but would not fall upon the single-family residence to the north. By 3:00 p.m. the shadows lengthen toward the southeast throughout the afternoon, falling onto the adjacent commercial structure (8491 Sunset Boulevard) and the surface parking lot located in the rear of the commercial structure; however, there are no windows, balconies or any other light sensitive uses. Shadow impacts are considered significant if light-sensitive uses would be shaded by project related structures for more than three hours between 9:00 a.m. and 3:00 p.m. between late October and early April (including Winter Solstice). Project shadows would not shade any light-sensitive uses for more than three hours. Impacts would be less than significant.

Therefore, shadow impacts will be less than significant; no mitigation is required.

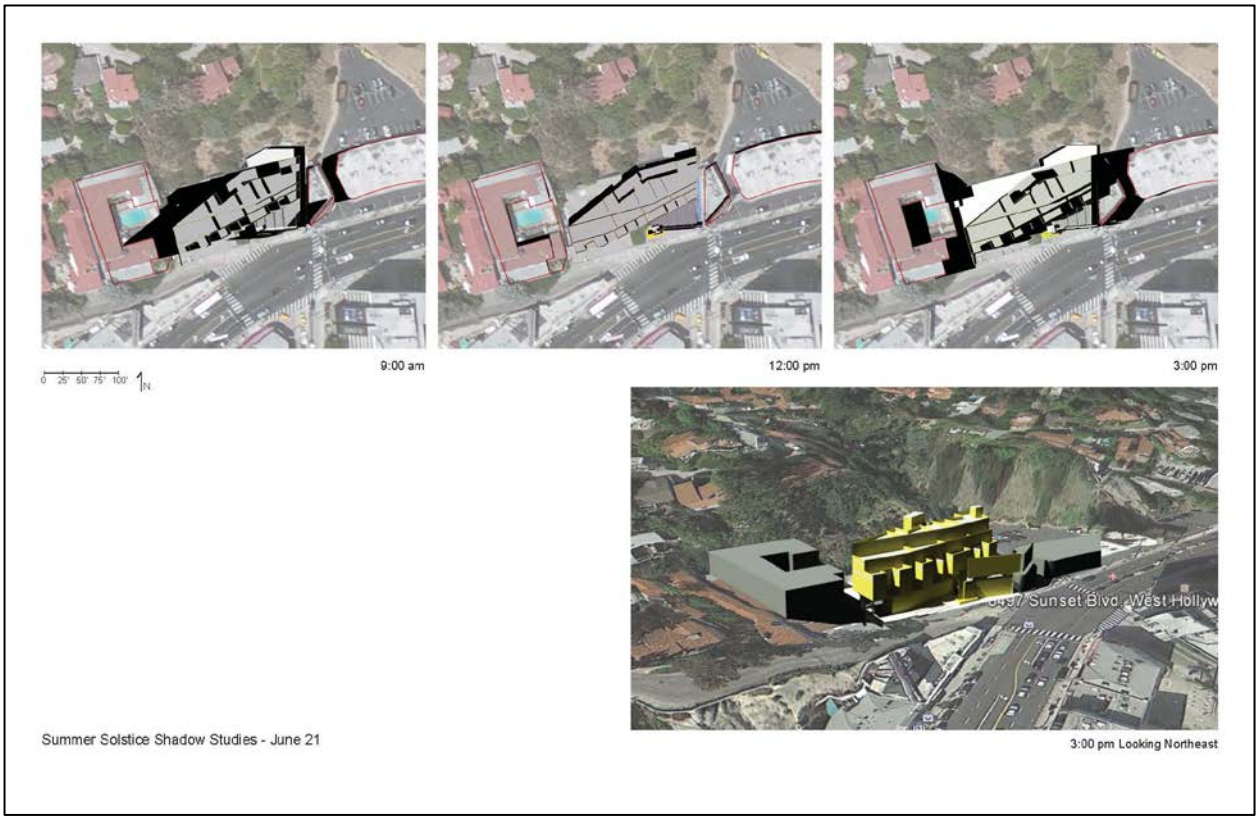


*Figure I-1. Summer Solstice Shadows*

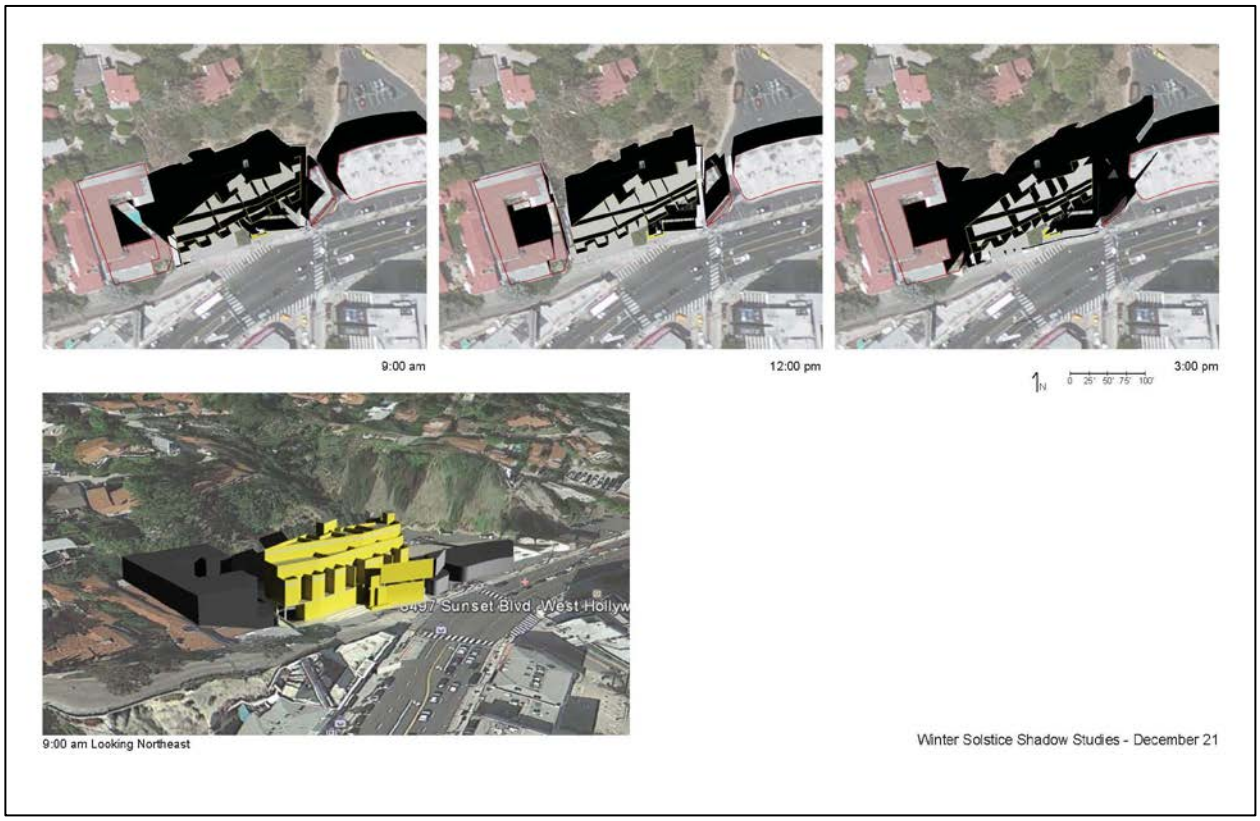


*Figure I-1. Winter Solstice Shadows*

| | Potentially Significant Impact | Potentially Significant Unless Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|---|---|---|---|

**II. Agricultural And Forestry Resources.** In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest Range and Assessment Project and Forest Legacy Assessment project and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.

Would the project:

| | | | | | |
|---|---|---|---|---|---|
| a. | Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? | ☐ | ☐ | ☐ | ☒ |
| b. | Conflict the existing zoning for agricultural use, or a Williamson Act Contract? | ☐ | ☐ | ☐ | ☒ |
| c. | Conflict with existing zoning for, or cause rezoning of, forest land (as defined by Public Resources Code section 122220(g)), timberland (as defined by Public Resources Code section 4526, or timberland zoned Timberland Production (as defined by Government Code section 51104(g)? | ☐ | ☐ | ☐ | ☒ |
| d. | Result in the loss of forest land or conversion of forest land to non-forest use? | ☐ | ☐ | ☐ | ☒ |
| e. | Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use? | ☐ | ☐ | ☐ | ☒ |

**Responses a-e:**

A significant impact may occur if a project were to result in the conversion of state-designated agricultural land from agricultural use to another non-agricultural use, the conversion of land zoned for agricultural use or under a Williamson Act contract from agricultural use to another non-agricultural use, results in the rezoning of forest land or timberland, or involves other changes in the existing environment which, could result in conversion of Farmland to non-agricultural use.

The Project Site is within a highly urbanized neighborhood in the City. There is no existing agriculture or timberland onsite or nearby. The Site is zoned SSP, which allows for commercial neighborhood uses, not agriculture or timberland uses.

The City does not contain any agricultural land, agriculturally zoned land, or land under Williamson Act contract. Therefore, the project would have no impact with respect to agriculture and forestry resources.

| | Potentially Significant Impact | Potentially Significant Unless Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|---|---|---|---|

**III. Air Quality.** The significance criteria established by the South Coast Air Quality Management District (SCAQMD) may be relied upon to make the following determinations.

Would the project result in:

| | | | | | |
|---|---|---|---|---|---|
| a. | Conflict with or obstruct implementation of the SCAQMD or Congestion Management Plan? | ☐ | ☐ | ☒ | ☐ |
| b. | Violate any air quality standard or contribute substantially to an existing or projected air quality violation? | ☐ | ☐ | ☒ | ☐ |
| c. | Result in a cumulatively considerable net increase of any criteria pollutant for which the air basin is non-attainment (ozone, PM 2.5, & PM 10) under an applicable federal or state ambient air quality standard? | ☐ | ☒ | ☐ | ☐ |
| d. | Expose sensitive receptors to substantial pollutant concentrations? | ☐ | ☐ | ☒ | ☐ |
| e. | Create objectionable odors affecting a substantial number of people? | ☐ | ☐ | ☐ | ☒ |

**Response a -e:**

Per CEQA Guidelines, earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR, or negative declaration. Section 15063 (c)(3)(D). An EIR was certified by the City of West Hollywood on January 18, 2011 for a larger development project proposed by the same applicant, Karma Development, LLC, that would encompass the subject site (APN 5555-007-009) and the adjoining site (APN 5555-007-010) located in the City of Los Angeles. That application involved demolition of the existing 31-unit apartment complex for the construction of an 8-story, 62,605-square-foot mixed use project consisting of 34 residential dwelling units (including 10 on site affordable units) and 9,160 square feet of commercial (retail and restaurant) use, as well as an integrated 20' y 60' billboard. The building would be 40 feet tall (based on the height measurement methodology for sloping sites, as defined in Section 19.20.080.B.2(c) of the West Hollywood Municipal Code.

The proposed project involves the construction of a five-level, 28,139-square-foot mixed-use building on the subject site only (APN 5555-007-009). No construction is proposed on the adjacent parcel (APN 5555-007-010) located in the City of Los Angeles. The proposed project would include 11 rental apartments (including one affordable rental unit) and approximately 9,520 square feet (sf) of commercial space. The proposed building would be 40 feet tall (based on the height measurement methodology for sloping sites, as defined in Section 19.20.080.B.2(c) of the West Hollywood Municipal Code.

While the architectural style of the building has remained the same (both projects are designed by the same architect) the proposed project size has been reduced by approximately 45% from the previously approved project. Although the air quality impacts of this much smaller project will be reduced due to the decrease in project scope and size, the applicant has agreed to incorporate all the required air quality mitigation measures from the previously certified EIR as part of this project.

The air quality analysis in the EIR certified on January 18, 2011, conforms to the methodologies recommended in the SCAQMD's CEQA Air Quality Handbook. Pollutant emissions were quantified using the California Air Resources Board's URBEMIS 2007 (version 9.2.4) computer model and trip generation rates from the EIR traffic study (see EIR Section 4.7, Transportation/Traffic). The estimate of operational emissions included both emissions from vehicle trips and from electricity and natural gas consumption.

As indicated in the certified EIR, construction of the larger project would not generate air pollutant emissions that exceed SCAQMD construction thresholds or Localized Significance Thresholds (LSTs) for ROC, NOx, CO and PM2.5. Construction-related emissions would exceed SCAQMD LSTs for PM10. However, with the implementation of fugitive dust control measures, as required under Mitigation Measure AQ-1 (see below), temporary construction impacts would be less than significant. This mitigation measure will be implemented for the proposed project and will be incorporated into the project's Mitigation Monitoring and Reporting Program.

As indicated in Table 4.2-5 of the certified EIR, emissions of ROG, NOx, CO, PM10, and PM2.5 would be below SCAQMD construction thresholds. Therefore, impacts relating to temporary construction- related emissions would be less than significant.

As indicated in Table 4.2-5 of the certified EIR, emissions generated by temporary construction activities would be below LST thresholds for NOx, CO and PM2.5. PM10 emissions would exceed LST thresholds by 5.5 lbs/day. Therefore, impacts would be potentially significant. However, implementation of Mitigation Measure AQ-1 will reduce this impact to a less than significant level.

The following mitigation measures are required to reduce PM emissions associated with construction activities. These measures shall be made conditions of approval and indicated on final construction and grading plans submitted to the City prior to issuance of a building or grading permit.

**AQ-1.** Fugitive Dust Control Measures. The following shall be implemented during construction to minimize fugitive dust and associated particulate emissions:

- Water all excavated or graded material to prevent excessive amounts of dust. Watering shall occur at least three times daily with complete coverage, preferably at the start of the day, in the late morning and after work is done for the day.
- Cease all grading, earth moving or excavation activities during periods of high winds (i.e., greater than 20 mph measured as instantaneous wind gusts) so as to prevent excessive amounts of dust.
- Securely cover all material transported on and off-site to prevent excessive amounts of dust.
- Cover all soil stockpiles.
- Limit on-site vehicle speeds to 15 mph.
- Install wheel washers where vehicles enter and exit the construction site onto paved roads or wash off trucks and any equipment leaving the site each trip.
- Appoint a construction relations officer to act as a community liaison concerning on-site construction activity including resolution of issues related to PM10 generation.
- Sweep streets at the end of the day using SCAQMD Rule 1186 certified street sweepers or roadway washing trucks if visible soil is carried onto adjacent public paved roads (recommend water sweepers with reclaimed water).

Implementation of the above mitigation measures would reduce temporary construction emissions for all phases of construction to the greatest extent feasible. As seen in Table 4.2-6 of the certified EIR, all pollutant emissions would be successfully mitigated below SCAQMD and LST thresholds for the larger project. Therefore, impacts are less than significant for the proposed smaller project.

Per the certified EIR, operation of the larger project would generate air pollutant emissions, but emissions would not exceed SCAQMD operational significance thresholds. Therefore, operational air quality impacts of the proposed project would be less than significant.

Per the certified EIR, project-generated traffic for the larger project, together with other cumulative traffic in the area, would incrementally increase carbon monoxide (CO) levels in the site vicinity. However, because CO levels would remain with state and federal standards, this impact would be less than significant. Because the traffic generated by the proposed project is less than for the larger project that was studied in the certified EIR (see Section XVI below), CO levels would remain less than significant for the proposed project.

The proposed mixed use development is not expected to create any objectionable odors. The proposed use of the site is not shown on Figure 5-5 "Land Uses Associated with Odor Complaints" of the 1993 SCAQMD's CEQA Air Quality Handbook. No impact related to odors would occur and further analysis of this issue is not warranted.

| | Potentially Significant Impact | Potentially Significant Unless Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|---|---|---|---|
| **IV. Biological Resources.** Would the project: | | | | |
| a. Have a substantial adverse effect, either directly or through habitat modification, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations by the California Department of Fish and Game or U.S. Fish and Wildlife Service? | ☐ | ☐ | ☐ | ☒ |
| b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in the City or regional plans, policies, regulations by the California Department of Fish and Game or U.S. Fish and Wildlife Service? | ☐ | ☐ | ☐ | ☒ |
| c. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? | ☐ | ☐ | ☐ | ☒ |
| d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? | ☐ | ☐ | ☐ | ☒ |
| e. Conflict with any local policies or ordinances protecting biological resources, such as tree preservation policy or ordinance (e.g., oak trees or California walnut woodlands)? | ☐ | ☐ | ☐ | ☒ |
| f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, | ☐ | ☐ | ☐ | ☒ |

| Potentially Significant Impact | Potentially Significant Unless Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|---|---|---|

regional, or state habitat conservation plan?

**Response a:**

The project site is in an existing commercial corridor in a highly urbanized area in West Hollywood. The site is developed with a multi-family residential structure, a swimming pool, and surface carports for resident parking. The remaining natural landscape onsite consists of a very disturbed cliff dominated by the highly invasive fountain grass (Pennisetum setaceum) with scattered native laurel sumac shrubs (Malosma laurina). The only other species observed onsite were native species including holly-leaf cherry (Prunus ilicifolia), man-root (Marah macrocarpus) and one-sided blue grass (Poa secunda); and nonnative species including ripgut grass (Bromus diandrus), Spanish broom (Spartium junceum), mock orange (Pittosporum undulatum) and blue gum eucalyptus (Eucalyptus globulus). None of the abovementioned species are listed as sensitive or special-status species. A coast live oak (Quercus agrifolia) was observed at the top of the cliff; however, this tree is located on the adjacent parcel to the north of the project site and would not be adversely affected by the proposed project. No nests were observed in the trees onsite. No wildlife species were observed onsite. Therefore, site development would not adversely affect sensitive plant or animal species. No impact to sensitive plant and animal species would occur.

**Response b – f:**

The project site is located in a highly urbanized area. The project site and vicinity lack native biological habitats, including wetlands. Site development would not adversely affect sensitive plant or animal species, nor would it interfere with wildlife movement or the provisions of any adopted habitat conservation plan. No impact to biological resources would occur.

| | Potentially Significant Impact | Potentially Significant Unless Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|---|---|---|---|
| **V. Cultural Resources:** Would the project: | | | | |
| a. Cause a substantial adverse change in significance of a historical resource as defined in State CEQA Section 15064.5? | ☐ | ☐ | ☐ | ☒ |
| b. Cause a substantial adverse change in significance of an archaeological resource pursuant to State CEQA Section 15064.5? | ☐ | ☐ | ☒ | ☐ |
| c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? | ☐ | ☐ | ☒ | ☐ |
| d. Disturb any human remains, including those interred outside of formal cemeteries? | ☐ | ☐ | ☒ | ☐ |

**Response a:**

The existing structure on site is not listed as a potential historical resource. Designated historic resources and potentially historic resources are located in the vicinity of the project site. Nearby designated historic resources include the Piazza del Sol building located at 8439 Sunset Boulevard, approximately 600 feet east of the project site; the Sunset Tower, located at 8358 Sunset Boulevard, approximately 750 feet east of the project site; and the El Palacio building, located at 8491 Fountain Avenue, approximately 750 feet south of the project site. Project development would not adversely affect these designated historic resources or cause a change in the significance of these historic resources. The site is in a highly urbanized are in West Hollywood with a mix of commercial and residential development. Impacts to historical resources would be less than significant.

**Response b – d:**

The project site is within a highly urbanized area and has been disturbed by grading and excavation to accommodate past and present onsite development. There is no evidence that archaeological or paleontological resources or human remains are present onsite. Construction activities including grading of the existing project site and excavation to accommodate three levels of subterranean parking have the potential to result in impacts due to recovering cultural resources. Impacts would be potentially significant if cultural resources are destroyed during grading and/or excavation activities. However, in the unlikely event that such resources are unearthed during excavation and grading, construction activities shall temporarily cease and procedures and requirements set forth in California Health and Safety Code Section 7.50.5 and Public Resources Code Section 5097.98 shall be implemented. Therefore, a less than significant impact is anticipated.

| | Potentially Significant Impact | Potentially Significant Unless Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|---|---|---|---|
| **VI. Geology and Soils.** Would the project: | | | | |
| a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving: | | | | |
| i.) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42. | ☐ | ☐ | ☒ | ☐ |
| ii.) Strong seismic ground shaking? | ☐ | ☒ | ☐ | ☐ |
| iii.) Seismic-related ground failure, including liquefaction? | ☐ | ☒ | ☐ | ☐ |
| iv.) Landslides? | ☐ | ☒ | ☐ | ☐ |
| b. Result in substantial soil erosion or the loss of topsoil? | ☐ | ☐ | ☒ | ☐ |
| c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potential result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse? | ☐ | ☒ | ☐ | ☐ |
| d. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property? | ☐ | ☐ | ☒ | ☐ |

| | Potentially Significant Impact | Potentially Significant Unless Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|---|---|---|---|
| e. Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water? | ☐ | ☐ | ☐ | ☒ |

A geotechnical evaluation of the site was included in the certified EIR conducted by Pacific GeoSoils, Inc. and fault evaluation letters that were prepared by Mactec, Inc. and William Lettis & Associates, Inc. These documents, along with a letter approving the geotechnical evaluation by KFM Geoscience, the City's geotechnical consultant, are contained in Appendix G of the certified EIR.

**Response a(i).**

The project site is not located within an Alquist-Priolo earthquake fault zone, as defined by the State Geologist (Beverly Hills Quadrangle, California Department of Conservation, 1986). The nearest Alquist-Priolo earthquake fault zone is located approximately four miles south of the project site. Consequently, no impact relating to fault rupture is anticipated.

**Response b.**

Temporary erosion could occur during project construction. However, construction activity would be required to comply with the National Pollutant Discharge Elimination System (NPDES) General Construction Permit. This permit requires the preparation and implementation of a Storm Water Pollution Prevention Plan (SWPPP) that identifies best management practices (BMPs) that control surface runoff, erosion, and sedimentation. Implementation of the requirements of an SWPPP would reduce temporary erosion-related impacts to a less than significant level.

**Response e.**

The proposed project would be connected to the local wastewater treatment system. Septic systems would not be used. No impact would occur.

**Response a(ii), a(iii), a(iv), c, d.**

The surficial stability of the existing cut slope could result in rock topple or surficial landslides that adversely affect the development. However, with implementation of mitigation measures GEO-1(a) and GEO-1(b), impacts would be less than significant.

According to the Pacific GeoSoils, Inc. soils and geology study (see Appendix G in the certified EIR), a surficial failure was identified on the lower half of the eastern portion of the existing cut slope. Pacific GeoSoils noted that there were signs of root invasion upon the open joints. The report indicates that the orientations of the joints are daylighted out of slope. The joint orientation, root invasion, and introduction of water, in conjunction with the steepness of the slope, have led to localized slope failure.

Grading of the site and construction of the proposed building and support structures, including the retaining walls and drainage facilities, would be required to adhere to the current California Building Code (CBC) and Uniform Building Code (UBC) standards for design and construction, which address slope stability. Conformance with CBC and UBC would reduce the incidence of slope failure. Nonetheless, the surficial slope instability identified on the lower half of the eastern portion of the existing cut slope could potentially result in loss of property or risk to human safety both during and after construction. Therefore, impacts related to surficial slope stability would be potentially significant without mitigation.

Based on the above described conditions, rock topple and landslides could occur due to the existing surficial stability of the onsite slope. Therefore, implementation of mitigation measures GEO-1(a) and GEO-1(b) would be required to reduce impacts related to surficial slope stability to a less than significant level.

**GEO-1(a)** Interception Structure. A California Registered Civil Engineer shall design the proposed retaining wall with additional freeboard or interception structure to intercept and contain the debris during storm events.

**GEO-1(b)** Slope Coverage. Exposed onsite slopes shall be covered with geosynthetic fabric or mats. The slopes shall then be landscaped with drought tolerant/native plants.

Implementation of mitigation measures GEO-1(a) and GEO-1(b), along with conformance with the current CBC and UBC standards for design and construction, would reduce the impacts related to surficial stability to a less than significant level.

Also, temporary excavation activities could de-stabilize the existing hillside and adversely affect neighboring land uses. However, with implementation of mitigation measures GEO-2(a-b) below, impacts would be less than significant.

All excavation activities would be required to adhere to mandatory regulations set forth by the California Occupational Safety and Hazard Administration (CalOSHA), CBC and UBC. Nonetheless, temporary excavations into bedrock may daylight joints and fractures, which could potentially cause localized slope failure. Temporary excavations into the existing alluvium on slopes greater than approximately 2:1 (horizontal to vertical) may be prone to collapse, which

could remove lateral adjacent support from roads, utilities and buildings in close proximity to the excavations. Therefore, impacts related to the destabilization of slopes due to temporary excavation activities would be potentially significant without mitigation.

Based on the conditions described above, temporary excavations present potential hazards for failure and sloughing during construction. Therefore, implementation of mitigation measures GEO-2(a-b) would be required to reduce impacts resulting from excavation activities to a less than significant level.

**GEO-2(a)** Geotechnical Recommendations for Excavation. The applicant shall comply with all recommendations contained in the Soil and Geology Investigation prepared for the project by Pacific Geosoils, Inc., (2004) (Appendix G in the certified EIR). These include the following:

- Temporary Shoring. Shoring shall be designed by a State of California Registered Civil Engineer to take into account all lateral load parameters and the possible presence of groundwater at the bottom grade of the excavations. Temporary shoring would protect the temporary excavations, structures to remain in place, and adjacent properties.

- Slot Cut Excavation Methods. A slot cut scheme, as described in the geotechnical study prepared by Pacific GeoSoils, Inc. during foundation excavations shall be implemented to reduce the potential for failure along temporary cuts by limiting the area exposed by temporary cuts.

Recommendations contained in the geotechnical report shall be reviewed and approved by the City Building Department and incorporated into final grading and structural design plans, as deemed appropriate by the City Building Department. In addition, all onsite structures shall be required to comply with applicable provisions of the California Building Code.

**GEO-2(b)** Monitoring Program. A monitoring program to verify the stability of the slope and the integrity of the proposed retaining walls shall be reviewed and approved by the City Building Department prior to issuance of grading and building permits. As part of the monitoring program, the property owner shall be required to have a Licensed Geotechnical Engineer conduct quarterly monitoring for the first 3 years. The results of the monitoring shall be submitted to the City Building Department. Monitoring shall be performed on an annual basis thereafter, provided the City Building Department deems that the system is performing adequately after the first three years of quarterly monitoring.

Implementation of mitigation measures GEO-2(a-b), along with mandatory regulations set forth by the California Occupational Safety and Hazard Administration (CalOSHA), CBC and UBC, would reduce impacts related to slope failure along temporary cuts to a less than significant level.

Strong to severe groundshaking could result in liquefaction, lateral spreading and/or seismic settlement, which could potentially damage proposed structures and infrastructure, resulting in loss of property or risk to human health and safety. This is considered a significant but mitigable impact.

As discussed above, based on the Pacific Geosoils, Inc. investigation, older alluvium deposits of coarse to fine grained sand were observed to be up to 18 feet thick. Artificial fill composed of silty, coarse to fine sand was also encountered with varying thickness on the order of 4 to 6 feet. No groundwater was encountered at the site. However, the subsurface studies were performed following several years of below average rainfall. Historic groundwater levels indicate that groundwater could be of sufficient depth to contribute to liquefaction. Liquefaction, lateral spreading and/or seismic settlement are commonly associated with well sorted, poorly consolidated, granular soils under saturated/high groundwater conditions.

The proposed structures would be founded into areas of thick sandy alluvial and fill deposits where high groundwater has historically been encountered. Therefore, the site could be prone to liquefaction, lateral spreading and/or seismic settlement during a strong to severe groundshaking event. This could result in damage to proposed structures and infrastructure, resulting in loss of property or risk to human health and safety. As such, impacts would be potentially significant without mitigation.

Based on the above described conditions, impacts related to liquefaction, lateral spreading and/or seismic settlement would be potentially significant without mitigation. Mitigation measures GEO-3(a) and GEO-3(b) would be required to reduce impacts.

**GEO-3(a)** Removal of Unsuitable Soil. As part of site grading, the existing alluvial soils that may be prone to liquefaction, lateral spread and seismic settlement shall be identified by a State of California Registered Civil Engineer. Such soil shall be densified in place or removed and replaced with soil that is not prone to liquefaction, lateral spread or seismic settlement.

**GEO-3(b)** Deepened Foundations and Structural/Post Tensioned Slabs. The project shall be designed with deepened foundations that are designed to resist applicable lateral and vertical loads, as well as to derive support from soils and bedrock below the affected areas. Building slabs shall be designed as structural or post-tensioned slabs to resist the estimated

settlements and ground movements as determined by a State of California Registered Civil Engineer.

Implementation of mitigation measures GEO-3(a) and GEO-3(b), along with compliance with the CBC and UBC requirements, would reduce impacts related to structural failure due to seismically induced liquefaction, lateral spreading and seismic settlement to a less than significant level. It should be noted that implementation of mitigation measures GEO-3(a-b) may increase the amount of export material from the project site, which would increase the number of truck trips required to haul export material during the excavation phase. However, this increase in truck trips would not increase daily truck trips but rather the overall length of construction would increase. As such, implementation of mitigation measures GEO-3(a-b) would not increase the estimated maximum daily emissions generated during temporary construction activities, as reported in Section III, Air Quality.

**Expansive soils**

Onsite soils are considered low to non-expansive. Therefore, impacts related to expansive soils would be less than significant. Expansive soils swell or heave with increases in moisture content and shrink with decreases in moisture content. Montmorillontic clays are most susceptible to expansion. In general, onsite soil deposits consist of silty sand and granodiorite bedrock, which were determined to be low to non-expansive (Pacific Geosoils, Inc., 2008). The proposed subterranean parking garage subgrade would be constructed on top of the bedrock, which has no expansion potential. Therefore, impacts related to expansive soils would be less than significant.

**Seismically-induced ground shaking**

Seismically-induced ground shaking could damage proposed structures and infrastructure, potentially resulting in loss of property or risk to human health and safety. However, mandatory compliance with applicable CBC and UBC requirements would reduce impacts to a less than significant level.

As shown in Table 4.3-1 of the certified EIR, the estimated maximum peak ground accelerations for the site are on the order of 0.7g for the site from the nearby faults, based on the design level ground acceleration (10% probability of exceedance in 50 years). Earthquakes of this magnitude could potentially damage buildings and pose risks to human health and safety.

The faults discussed in Table 4.3-1 of the certified EIR are not the only faults in the area that can produce earthquakes, but they are the faults most likely to affect the project site. Earthquakes along these faults could produce potentially significant impacts to the proposed

structure. However, according to the geotechnical report prepared by Pacific GeoSoils, Inc., there are no unusual circumstances that would make the project site more prone to seismically-induced groundshaking than other sites in the immediate area. Proper engineering, including mandatory compliance with the seismic design requirements set forth by the CBC, UBC and City of West Hollywood Municipal Code, would minimize the risk to life and property, resulting in a less than significant impact to new development from seismically-induced groundshaking.

| | Potentially Significant Impact | Potentially Significant Unless Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|---|---|---|---|
| **VII. Greenhouse Gas Emissions.** Would the project: | | | | |
| a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact upon the environment? | ☐ | ☐ | ☒ | ☐ |
| b. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? | ☐ | ☐ | ☒ | ☐ |

**Response a and b:**

Greenhouse gas (GHG) emissions refer to a group of emissions that are believed to affect global climate conditions. These gases trap heat in the atmosphere and the major concern is that increases in GHG emissions are causing global climate change. Global climate change is a change in the average weather on earth that can be measured by wind patterns, storms, precipitation and temperature. Although there is disagreement as to the speed of global warming and the extent of the impacts attributable to human activities, most agree that there is a direct link between increased emission of GHGs and long-term global temperature. What GHGs have in common is that they allow sunlight to enter the atmosphere, but trap a portion of the outward-bound infrared radiation and warm up the air.

The process is similar to the effect greenhouses have in raising the internal temperature, hence the name greenhouse gases. Both natural processes and human activities emit GHGs. The accumulation of greenhouse gases in the atmosphere regulates the earth's temperature; however, emissions from human activities such as electricity generation and motor vehicle operations have elevated the concentration of GHGs in the atmosphere. This accumulation of GHGs has contributed to an increase in the temperature of the earth's atmosphere and contributed to global climate change.

The principal GHGs are carbon dioxide ($CO_2$), methane ($CH_4$), nitrous oxide ($N_2O$), sulfur hexafluoride ($SF_6$), perfluorocarbons (PFCs), hydrofluorocarbons (HFCs), and water vapor ($H_2O$). $CO_2$ is the reference gas for climate change because it is the predominant greenhouse gas emitted. To account for the varying warming potential of different GHGs, GHG emissions are often quantified and reported as $CO_2$ equivalents ($CO_2E$). Large emission sources are reported in million metric tons of $CO_2E$ ($MMTCO_2E$).

*Executive Order S-3-05*

In 2005, in recognition of California's vulnerability to the effects of climate change, Governor Schwarzenegger established Executive Order S-3-05, which sets forth a series of target dates by which statewide emissions of GHG would be progressively reduced, as follows:

- By 2010, reduce greenhouse gas emissions to 2000 levels;
- By 2020, reduce greenhouse gas emissions to 1990 levels; and
- By 2050, reduce greenhouse gas emissions to 80 percent below 1990 levels.

*2006 CAT Report*

In response to Executive Order S-3-05, the Secretary of Cal/EPA created the Climate Action Team (CAT), which, in March 2006, published the *Climate Action Team Report to Governor Schwarzenegger and the Legislature* (the "2006 CAT Report"). The 2006 CAT Report identifies a recommended list of strategies that the State could pursue to reduce climate change greenhouse gas emissions. These are strategies that could be implemented by various State agencies to ensure that the Governor's targets are met and can be met with existing authority of the State agencies.

*AB 32*

In 2006, California passed the California Global Warming Solutions Act of 2006 (Assembly Bill No. 32; California Health and Safety Code Division 25.5, Sections 38500, et seq., or AB 32), which requires the California Air Resources Board (ARB) to design and implement emission limits, regulations, and other feasible and cost-effective statewide measures, such that greenhouse gas emissions are reduced as follows:

- 2000 GHG emission levels by 2010 (which represents an approximately 11 percent reduction from "business-as-usual" [BAU] conditions); and
- 1990 levels by 2020 (approximately 30 percent below BAU conditions).

As a central requirement of AB 32, the ARB was assigned the task of developing a Scoping Plan that outlines the State's strategy to achieve the 2020 greenhouse gas emissions limit. This Scoping Plan, which was developed by the ARB in coordination with the CAT, was published in October 2008. The Scoping Plan proposed a comprehensive set of actions designed to reduce overall greenhouse gas emissions in California, improve the environment, reduce the State's dependence on oil, diversify the State's energy sources, save energy, create new jobs, and enhance public health.

*ARB Scoping Plan*

An important component of the plan is a cap-and-trade program covering 85 percent of the State's emissions. Additional key recommendations of the Scoping Plan include strategies to enhance and expand proven cost-saving energy efficiency programs; implementation of California's clean cars standards; increases in the amount of clean and renewable energy used to power the State; and implementation of a low-carbon fuel standard that will make the fuels used in the State cleaner. Furthermore, the Scoping Plan also proposes full deployment of the California Solar Initiative, high-speed rail, water-related energy efficiency measures, and a range of regulations to reduce emissions from trucks and from ships docked in California ports. The proposed Scoping Plan was approved by the ARB on December 12, 2008, and the Scoping Plan was approved on August 24, 2011.[3]

There are currently no adopted thresholds or guidance adopted by the SCAQMD to assess the significance of potential impacts associated with greenhouse gases. In the absence of established GHG thresholds, however, the Governor's Office of Planning and Research (OPR) nonetheless recommends, in its 2008 technical advisory, that lead agencies should make a good-faith effort to calculate, model, or estimate the amount of $CO_2$ and other GHG emissions from a project. In the absence of regulatory standards for GHG emissions or other scientific data to clearly define what constitutes a "significant impact," the OPR recommends that individual lead agencies may undertake a project-by-project analysis that is consistent with available guidance and current CEQA practice.

*City of West Hollywood Climate Action Plan*

The City released its Climate Action Plan (CAP) on September 6, 2011. The CAP seeks to place the City on a path to reduce annual communitywide GHG emissions by 20 to 25 percent below 2008 business-as-usual emission levels by 2035. In 2008, commercial/industrial uses emitted 116,197 MT $CO_2e$ (metric tons of carbon dioxide equivalent), or 20 percent of the total. By 2020, that segment will be reduced to 116,028 MT $CO_2e$, or 18 percent of the total. By 2035, that segment will hold steady at 18 percent of the total, but due to overall growth, represent 127,653 MT $CO_2e$. [4]

The reductions will be achieved with policies, measures, and strategies that are focused on actions the City can take as a municipal planning agency. These focus on land use and

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[3] *Air Resources Board, Notice of Decision on AB 32 Scoping Plan: http://www.arb.ca.gov/cc/scopingplan/notice-of-decision-scoping-plan-08-26-11.pdf*

[4] *Table 2-1, West Hollywood Climate Action Plan, 2011: http://www.weho.org/Modules/ShowDocument.aspx?documentid=7948*

community design, transportation and mobility, energy and water use and efficiency, waste reduction and recycling, and green space.

The Project will not conflict with implementation of the City's CAP. The Project would comply with the following applicable CAP policies and goals:

> *T-1.1: Increase the pedestrian mode share in West Hollywood with convenient and attractive pedestrian infrastructure and facilities.*

The design of the building will enhance the pedestrian experience along this stretch of Sunset Boulevard. The design includes a pedestrian plaza/courtyard and other unique styling to add to the diversity of the area and make the frontage pedestrian friendly and visually interesting.

> *E-2.2: Require all new construction to achieve California Building Code Tier II Energy Efficiency Standards (Section 503.1.2).*

The Project would be required to achieve California Building Code Tier II Energy Efficiency Standards which states that new construction must exceed 2007 California Energy Code requirements (by 30% over 2007 Title 24 requirements).

*Reduce Energy Demand* and *Reduce Water Use*

The Project proposes to include the following conservation features:

*Site Location (Locate buildings close to existing services to reduce environmental impacts from transportation and fully utilize infrastructure. Preserve or restore existing natural resources or amenities on the site. Ensure that the building is equipped to support recycling, alternative transportation, water conservation and other operations components.)*

- Preserve Existing Trees Over 6" Diameter
- Use Recycled Content Mulch or Other Landscape Amendments

*Natural Heating + Cooling (Reduce energy loads while maintaining comfort through passive design strategies. Increase interior comfort and health through adequate ventilation.)*

- Plant Deciduous Canopy Trees (min. 36" box, planted in the ground) on Exposed West and/or South Elevations
- Provide Narrow Floor Plates (max. 50 ft. depth) and/or Courtyards to Enable Natural Ventilation

- Provide Operable Windows to Enable Natural Cross Ventilation (min. 20% of total window area)
- Install Exterior Shading Devices on South- and/or West-Facing Windows
- Provide Ceiling Fans

*Foundation (Reduce resources used and encourage use of recycled-content materials.)*

- use recycled content based base or backfill material
- incorporate fly ash or slag ash in concrete
- increase fly ash percentage

*Structural Frame (Reduce the amount of old growth sawn wood (wider than 3x and taller than 8x) used in framing, encourage ecologically sensitive forestry, and encourage alternate framing techniques.)*

- use engineered lumber or steel for minimum of 90% subfloors, sheeting, floor joists, beams, headers, and trusses - as applicable
- use engineered vertical wood studs
- use fsc-certified wood for framing

*Plumbing (Increase the water efficiency of plumbing fixtures and reduce energy used for water heating.)*

- insulate full length of hot water pipes
- install low-flow showerheads (less than 2.5GPM)
- install water efficient bathroom faucets (less than 2.5GPM)
- install water efficient toilets (dual flush or less than 1.5GPM)
- install water efficient urinals (0.5GPM)
- install tankless water heaters

*Insulation (Reduce energy losses through the building envelope and improve occupant comfort. Promote better indoor air quality. Increase use of recycled content and rapidly renewable materials.)*

- install formaldehyde-free, recycled content (min. 25%) insulation

- install cellulose, cotton batt, bio-based foam in walls (min. 60% of insulation)
- Install Cellulose, Cotton Batt, Bio-Based Foam in ceilings (min. 60% of insulation)

*Energy Efficiency + Renewable Energy (Reduce climate change impacts of building operation by increasing overall building energy efficiency and generating renewable energy. Provide for the future installation of renewable energy systems.)*

- exceed title 24 energy code by 5%
- participate in Energy Star (residential) or Savings By Design (commercial) Programs
- install energy star lighting (50% of total fixtures)
- install energy star exit signs
- install energy star programmable thermostats
- install timer or photo-sensor for exterior lights
- seal all ducts with mastic (residential) and install all ducts per SMACNA standards (commercial)

*Indoor Air Quality (Increase quality of indoor air by reducing exposure to toxic chemicals. Decrease concentration of toxins and dust through ventilation and filtration.)*

- use no-VOC paints on interior applications
- use low-VOC sealants and adhesives
- use composite wood with no added urea formaldehyde for counters and cabinets
- eliminate use of carpet
- Vent Kitchen Range Hoods to the Outside (min. 80% of units)
- install fan with humidistat sensor or timer in all bathrooms
- install high efficiency hvac filters (min. MERV 8) or provide ductless system
- provide daylighting for 50% of occupied spaces

*Roofing (Provide roofing materials that are durable, reduce resource use, minimize interior heat gain, provide storm water management, and reduce the urban heat island effect.)*

- use recycled content roofing materials

- install durable roof with long-term warranty or demonstrated long-term durability (15yr warranty for bur, metal or clay tile)

*Exterior Finish (Encourage durable materials than do not require frequent maintenance.)*

- use durable exterior finishes including integral colored or uncolored, unpainted stucco, fiber-cement panels or siding, metal panels or siding, composite wood panels, glass, and other similar durable finishes

- use recycled content or FSC-certified outdoor flooring materials

*Interior Finish (Reduce the use of natural resources, use rapidly renewable materials, and encourage ecologically sensitive forestry.)*

- use exposed concrete as floor finish

- use Resource-Efficient Flooring or FSC-Certified Wood Flooring for All Wood Flooring (1pt/30% of floor area). Resource efficient includes rapidly renewable materials, recycled-content carpet or flooring tiles (min. 25% recycled content).

- use agriculture board, FSC-certified, or rapidly renewable cabinetry material

- use recycle-content countertop materials (min. 25%)

The Project will be constructed to meet the City's Green Building Design Guidelines which may implement energy efficient systems and appliances, water-efficient landscaping, and water conservation measures. Also, specific to reducing carbon emissions, the Project would:

- Install water conserving plumbing and fixtures; and

- Install energy efficient lighting, appliances, and onsite equipment.

Overall, these project features would reduce both energy demand and vehicle miles traveled (VMT), resulting in a reduction of GHG emissions.

The Project, by implementing the project features and GHG reducing measures described above, would result in a GHG emission profile which is better (lower) than business as usual. Because these features and measures would meaningfully reduce project GHG emissions and are consistent with the State's CAT strategies, the Project is supportive of the State's goals regarding global climate change. The Project would have a less than significant impact relating to greenhouse gas emissions.

It should be noted that the larger project also had less than significant impacts to greenhouse gas emissions. Please refer to Section 5.0 of the certified EIR.

| | | Potentially Significant Impact | Potentially Significant Unless Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|---|---|---|---|---|
| **VIII.** | **Hazards and Hazardous Materials.** Would the project: | | | | |
| a. | Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials | ☐ | ☐ | ☒ | ☐ |
| b. | Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? | ☐ | ☐ | ☒ | ☐ |
| c. | Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? | ☐ | ☐ | ☒ | ☐ |
| d. | Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? | ☐ | ☐ | ☐ | ☒ |
| e. | For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? | ☐ | ☐ | ☐ | ☒ |
| f. | For a project within the vicinity of a private airstrip, would the project result in a safety hazard for the people residing or working in the area? | ☐ | ☐ | ☐ | ☒ |

| | Potentially Significant Impact | Potentially Significant Unless Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|---|---|---|---|
| g. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? | ☐ | ☐ | ☒ | ☐ |
| h. Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? | ☐ | ☐ | ☐ | ☒ |

The analysis relies in part on a records search performed by GeoSearch dated October 21, 2008 and a site reconnaissance performed by Rincon Consultants, Inc. dated September 26, 2008. The results of the records search can be found in Appendix H of the certified EIR.

**Response a:**

A significant impact may occur if a project involves use or disposal of hazardous materials as part of its routine operations and would have the potential to generate toxic or otherwise hazardous emissions that could adversely affect sensitive receptors.

The California Hazardous Materials Release Response Plans and Inventory Law of 1985 (Business Plan Act) requires preparation of hazardous materials business plans and disclosure of hazardous materials inventories. A business plan includes an inventory of hazardous materials handled, facility floor plans showing where hazardous materials are stored, an emergency response plan, and provisions for employee training in safety and emergency response procedures (California Health and Safety Code, Division 20, Chapter 6.95, Article 1). Statewide, DTSC has primary regulatory responsibility for management of hazardous materials, with delegation of authority to local jurisdictions that enter into agreements with the State of California. Local agencies, including the Los Angeles County Environmental Health Department, administer these laws and regulations.

The construction activities are anticipated to use typical, although potentially hazardous, construction materials, including vehicle fuels, paints, mastics, solvents, and other acidic and alkaline solutions that would require special handling, transport, and disposal.

During operation, the commercial and residential uses would store and use maintenance products, such as cleaning materials. However, these products are typical and do not represent a unique toxic or hazards material that would be brought into the area as a result of the Project.

The Project would have a **less than significant impact** relating to hazardous materials.

**Response b:**

Based on the age of the existing multi-family residential building on-site, it is possible that asbestos is present in the structure. Development of the proposed project would require the demolition of a structure that could contain asbestos. Therefore, there is potential for the release of hazardous materials. However, compliance with applicable regulations regarding the handling and disposal of asbestos would reduce impacts to a less than significant level.

Construction of the proposed project would involve the demolition of the existing multi-family residential structure on the parcel, which, due to its age, may contain asbestos. Asbestos is made up of microscopic bundles of fibers that may become airborne when asbestos-containing materials (ACMs) are damaged or disturbed. When these fibers get into the air they may be inhaled into the lungs, where they can cause significant health problems (USEPA, 2008). Beginning in the late 1970s, asbestos was banned for building and construction purposes. If present in the existing multi-family residential structure, these ACMs would require abatement prior to demolishment or renovation of any existing buildings. If not properly abated in advance of demolishment or renovation, workers may be exposed to friable asbestos.

Existing regulations, including South Coast Air Quality Management District (SCAQMD) Rule 1403 (Asbestos Demolition and Renovation Activities) require that the owner or operator of any demolition or renovation activity have an asbestos survey performed prior to demolition. The ACM survey is required to be performed by a licensed asbestos sampling company. All testing procedures would follow California and Federal protocol. An asbestos survey report would quantify the areas of ACMs pursuant to California and Federal standards. If the onsite structure is found to contain ACMs, Rule 1403 requires that the ACMs must be removed according to proper abatement procedures. All abatement activities would need to be in compliance with California and Federal OSHA, and with SCAQMD requirements. Only asbestos trained and certified abatement personnel would be allowed to perform asbestos abatement. All ACMs removed from the onsite structure would be hauled to a licensed receiving facility and disposed of under proper manifest, if needed, by a transportation company certified to handle asbestos containing materials. Following completion of the asbestos abatement, the asbestos consultant would provide a report documenting the abatement procedures used, the volume of ACM removed, where the material was moved to, and include transportation and disposal manifests or dump tickets. Each abatement report would be prepared for the property owner or other responsible party, with a copy submitted to the City of West Hollywood.

Adherence to SCAQMD Rule 1403 regarding the handling and disposal of asbestos would reduce impacts to a less than significant level.

Also, based on the age of the existing multi-family residential building onsite, it is possible that lead-based paint is present. Development of the proposed project would require the demolition of a structure that could contain lead- based paints. There is the potential for a significant

hazard to the public or the environment through the release of hazardous materials. However, proper evaluation and adherence with California and Federal OSHA requirements regarding the handling and disposal of this material would reduce impacts to a less than significant level.

Construction of the proposed project would involve the demolition of the existing multi-family residential structure on the project site, which, due to its age, may contain lead. If not properly abated in advance of demolition or renovation, workers could be exposed to lead, which could adversely affect their health. However, prior to the issuance of a permit for the demolition of the onsite structure, the developer would be required to contract with a licensed lead-based paint consultant to evaluate the structure for lead-based paint. If present, the lead-based paint requires abatement prior to demolition or renovation of any existing buildings.

All abatement activities would be required to comply with California and Federal OSHA requirements. Only lead-based paint trained and certified abatement personnel would be allowed to perform abatement activities. All lead-based paint removed from these structures would be hauled and disposed of by a transportation company licensed to transport this type of material. In addition, the material would be taken to a landfill or receiving facility licensed to accept the waste. Following completion of the lead based paint abatement, the lead based paint consultant would provide a report to the Community Development Department documenting the abatement procedures used, the volume of lead based paint materials removed, where the material was moved to, and include transportation and disposal manifests or dump. With the required evaluation and abatement in accordance with California and Federal OSHA requirements, impacts related to lead-based paint would less than significant.

**Response c:**

Pacific Hills School is located approximately one-third of a mile southwest of the project site at 8628 Holloway Drive. The Holloway School is located approximately a quarter-mile south of the project site at 8510 Holloway Drive. Operation of the proposed project would not involve the use or transport of hazardous materials; and therefore, nearby schools would not be adversely affected. However, construction of the project would involve demolition of the existing onsite structure, which, due to its age, may contain asbestos and lead-based paints and materials. The removal of any asbestos-containing materials would be required to comply with all applicable existing rules and regulations, including SCAQMD Rule 1403 (Asbestos Demolition and Renovation Activities). In addition, the proposed project would be required to comply with California Occupational Safety and Health Administration (CalOSHA) regulations regarding lead-based materials. The California Code of Regulations, §1532.1, requires testing, monitoring, containment, and disposal of lead-based materials, such that exposure levels do not exceed CalOSHA standards. Therefore, impacts related to hazardous emissions or materials affecting school sites are less than significant

**Response d:**

California Government Code Section 65962.5 requires various state agencies to compile lists of hazardous waste disposal facilities, unauthorized release from underground storage tanks, contaminated drinking water wells, and solid waste facilities from which there is known migration of hazardous waste and submit such information to the Secretary for Environmental Protection on at least an annual basis. This question would apply only if the project site is included on any of the above referred to lists and therefore would pose an environmental hazard to surrounding sensitive uses.

In meeting the provisions in Government Code Section 65962.5, commonly referred to as the "Cortese List," database resources that provide information regarding identified facilities or sites include EnviroStor, GeoTracker, and other lists compiled by the California Environmental Protection Agency.

EnviroStor: No record of known hazardous cleanup or hazardous waste facilities exists on the Site.[5]

GeoTracker: No record of known contamination exists on the Site; nor have these parcels been identified as cleanup sites or as permitting hazardous waste by the State Department of Toxic Substance Control.[6]

The Project Site has not been identified as a solid waste disposal site having hazardous waste levels outside of the Waste Management Unit.[7]

There are no active Cease and Desist Orders or Cleanup and Abatement Orders from the California Water Resources Control Board associated with the Project Site.[8]

The Project Site is not subject to corrective action pursuant to the Health and Safety Code, as it has not been identified as a hazardous waste facility.[9]

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[5] *State of California Department of Toxic Substance Control, EnviroStor, website: http://www.envirostor.dtsc.ca.gov/public/, accessed February 10, 2012.*

[6] *State of California Environmental Protection Agency, State Water Resources Control Board, Geotracker, website: http://geotracker.waterboards.ca.gov/map/?CMD=runreport&myaddress=west+hollywood, accessed February 10, 2012.*

[7] *State of California Environmental Protection Agency, Cortese List Data Resources, Sites Identified with Waste Constituents Above Hazardous Waste Levels Outside the Waste Management Unit, website: http://www.calepa.ca.gov/SiteCleanup/CorteseList/CurrentList.pdf, accessed February 10, 2012.*

[8] *State of California Environmental Protection Agency, Cortese List Data Resources, List of "Active" CDO and CAO from Water Board, website: http://www.calepa.ca.gov/SiteCleanup/CorteseList/CDOCAOList.xls, accessed February 10, 2012.*

Based on the historic records search and the site reconnaissance, no hazardous materials are known to exist onsite. Therefore, impacts related to the release of hazardous materials into the environment would be less than significant.

Historical records dating back over 50 years show that the site was undeveloped before the existing multi-family residential structure was built. As described above in Section 4.5.1 of the certified EIR, a historic records search and site reconnaissance were performed to identify existing onsite environmental conditions. The site was not listed in the database search of public lists of sites that generate, store, treat or dispose of hazardous materials or sites for which a release or incident has occurred (GeoSearch, 2008). A dry cleaner (8477 Sunset Boulevard) located approximately 210 feet to the east of the project site is listed on a list of sites that generate, store, treat or dispose of hazardous materials. However, no documented hazardous releases or violations have occurred at this site (GeoSearch, 2008). In addition, the project site's topography, at the base of the Hollywood Hills, slopes in a south to southwest direction. Groundwater flows would be expected to flow in a similar direction. Thus, any hazardous materials released from the dry cleaners at 8477 Sunset Boulevard would not be expected to flow onto or beneath the project site. No indicators of hazardous materials that could affect the project site were identified during the site reconnaissance. As such, there is no evidence of hazardous materials that would create a significant hazard to the public or the environment. Therefore, impacts would be less than significant.

**Responses e and f:**

A significant impact may occur if a project is located within two miles of a public airport, and subject to a safety hazard or within the vicinity of a private airstrip. There are no airports or airstrips within 2 miles of West Hollywood, and no portions of the City are subject to land use restrictions based on the requirements of an airport land use compatibility plan. The Project is not located within an airport land use plan area or within two miles of a public airport or public use airport. Bob Hope Airport in Burbank is located approximately 8.1 miles north, Santa Monica Airport is located 6.0 miles southwest, and LAX is located 9.6 miles south. The Project would have no impact related to safety hazards within two miles of an airport or vicinity of a private airstrip.

**Response g:**

A significant impact may occur if a project were to interfere with roadway operations used in conjunction with an emergency response plan or emergency evacuation plan or would generate traffic congestion that would interfere with the execution of such a plan.

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[9] *State of California Environmental Protection Agency, Cortese List Data Resources, Cortese List: Section 65962.5(a), website: http://www.calepa.ca.gov/SiteCleanup/CorteseList/SectionA.htm#Facilities, accessed February 10, 2012.*

An efficient roadway and circulation system is vital for the evacuation of residents and the mobility of fire suppression, emergency response, and law enforcement vehicles. Los Angeles County Fire Department oversees the development, establishment, and maintenance of programs and procedures to protect lives and property of Los Angeles County residents from the effects of natural or human-caused disasters. Also, the City of West Hollywood has developed a Hazard Mitigation Plan to prevent hazards and emergencies.

Furthermore, the intersection of Sunset Boulevard and La Cienega/Miller Drive is currently operating at LOS F and is projected to operate at LOS F without the project. As part of the project's mitigation measure, the northbound approach on La Cienega will be restriped to provide for an additional right-turn lane. This project improvement mitigates the project's impacts. The improvement also improves overall volume-to-capacity (V/C) and LOS at the intersection to levels better than existing conditions enabling improved traffic flow for all vehicles including emergency vehicles.

The proposed project involves infill development in an urbanized area of West Hollywood. No changes to the circulation pattern are proposed. Project implementation would not interfere with emergency response or evacuation. Therefore a less than significant impact is anticipated.

**Response h:**

The project site is located within the "Mountain Fire District" in the City of Los Angeles (City of LA Safety Element, 1996) which is the equivalent of a "high" wildland fire zone. However, the proposed project would be required to be constructed to the standards of the Uniform Building Code relating to fire safety and would not contribute to the likelihood of fires on this terrain. Furthermore, the project is located in a portion of the City that is highly developed that would not significantly expose people or structures to a significant risk of loss, injury, or death involving wildland fires. Impacts are less than significant.

| | | Potentially Significant Impact | Potentially Significant Unless Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|---|---|---|---|---|
| **IX.** | **Hydrology And Water Quality**. Would the project: | | | | |
| a. | Violate any water quality standards or waste discharge requirements? | ☐ | ☐ | ☒ | ☐ |
| b. | Substantially deplete groundwater supplies or interfere with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned land uses for which permits have been granted)? | ☐ | ☐ | ☒ | ☐ |
| c. | Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site? | ☐ | ☐ | ☒ | ☐ |
| d. | Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off site? | ☐ | ☐ | ☒ | ☐ |
| e. | Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? | ☐ | ☐ | ☒ | ☐ |
| f. | Otherwise substantially degrade water quality? | ☐ | ☐ | ☒ | ☐ |
| g. | Place housing within a 100-year flood plain as mapped on federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard | ☐ | ☐ | ☐ | ☒ |

| | | Potentially Significant Impact | Potentially Significant Unless Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|---|---|---|---|---|
| | delineation map? | | | | |
| h. | Place within a 100-year flood plain structures which would impede or redirect flood flows? | ☐ | ☐ | ☐ | ☒ |
| i. | Expose people or structures to a significant risk of loss, inquiry or death involving flooding, including flooding as a result of the failure of a levee or dam? | ☐ | ☐ | ☐ | ☒ |
| j. | Inundation by seiche, tsunami, or mudflow? | ☐ | ☐ | ☐ | ☒ |

**Response a, c-f:**

The southern portion of the project site is currently covered with impervious material, while the hillside which makes up the northern portion of the site has a natural, pervious ground cover. The proposed project would represent a more intense use of the project site as compared to the current use. The proposed project would result in a net increase in impervious surface area, which could adversely affect ground water recharge and the existing drainage system. In addition, construction activities, such as grading and excavation, may generate additional pollutants that could adversely affect the quality of surface runoff. During construction of the proposed project, the soil surface would be subject to erosion and the downstream watershed could be subject to temporary sedimentation and discharges of various pollutants. However, compliance with the requirements in City's Municipal Code would reduce the potential for discharge of various pollutants, including sediment to a less than significant impact.

Excavation and grading could result in erosion of onsite soils and sedimentation, with consequent temporary impacts to surface water quality. Project development would likely necessitate temporary onsite storage of excavated soils. During grading and soil storage, there is the potential for soil migration offsite via wind entrainment and/or water erosion (see Section III, Air Quality, for further discussion of construction generated air quality impacts). In addition, structural and concrete residue/dust from demolition of surface parking lots and buildings could potentially migrate offsite and adversely affect water quality.

The City requires standard erosion control best management practices (BMPs) to be implemented for all new construction in accordance with WHMC §15.56.090, Requirements for Industrial/Commercial and Construction Activities. BMPs may include, but are not limited to, the use of barriers, plastic sheeting, detention ponds, filters, berms, and similar controls to contain polluted runoff onsite and minimize erosion from exposed areas; as well as restrictions on the

washing of construction equipment. In addition, pursuant to WHMC §15.56.090, the applicant must certify in a form acceptable to the City that BMPs to control runoff from onsite construction activity will be implemented prior to the issuance of any building or grading permit. Compliance with the requirements of the City's Municipal Code would reduce potential impacts from erosion, offsite sedimentation, and pollutant laden stormwater discharges during construction activities to a less than significant level.

Implementation of the proposed project would incrementally increase the amount of onsite impervious surface area, which may increase stormwater flows and create flooding and drainage problems. In addition, the increased impervious surface area, vehicular activity and use of fertilizers onsite could incrementally increase the amount of pollutants in surface water runoff. However, with adherence to City's stormwater requirements, impacts related to stormwater runoff flows and water quality would be less than significant.

It is estimated that non-permeable surfaces (i.e., roofs, driveways, sidewalks, etc.) currently cover approximately 65% of the project site. As required by the City, ground-level common open space areas, and of all required setbacks and yards, must be at least 50% permeable. Porous paving and landscaping are considered permeable surfaces. The project is proposing 55% of the front yard area to have permeable surfaces and 50% of the required side yards to have permeable surfaces. This represents a beneficial increase of permeable surfaces from the existing condition on the site. The project would meet the requirements of Section 19.20.190D of the WHMC. The decrease in impervious surface area would incrementally decrease the flow rate of surface water runoff onsite, which could benefit the existing storm drain system.

The proposed introduction of retail and restaurant uses on the ground floor would increase onsite vehicular activity over current conditions. The proposed impermeable surfaces in parking areas would accumulate deposits of oil, grease, and other vehicle fluids and hydrocarbons. In addition, proposed new landscaping could introduce chemical inputs such as pesticides and herbicides. During storms, these deposits would be washed into and through the drainage systems, Ballona Creek, and ultimately to the Pacific Ocean. The addition of fertilizers, pesticides and other chemicals to the proposed landscaping has the potential to include higher than natural concentrations of trace metals, biodegradable wastes (which affect dissolved oxygen levels), and excessive major nutrients such as nitrogen and phosphorus.

Urban runoff can have a variety of deleterious effects. Oil and grease contain a number of hydrocarbon compounds, some of which are toxic to aquatic organisms at low concentrations. Heavy metals such as lead, cadmium, and copper are the most common metals found in urban stormwater runoff. These metals can be toxic to aquatic organisms, and have the potential to contaminate drinking water supplies. Nutrients from fertilizers, including nitrogen and phosphorous, can result in excessive or accelerated growth of vegetation or algae, resulting in oxygen depletion and additional impaired uses of water. Therefore, the increased impervious surface area, vehicular activity and use of fertilizers onsite, could increase the amount of

pollutants in onsite runoff, which could adversely affect the water quality of receiving waters, such as the Ballona Creek and the Pacific Ocean.

The proposed project is considered a "priority project" as it meets one or more of the criteria set forth by the NPDES permit as found in the West Hollywood Municipal Code §15.56.095. Consequently, the applicant would be required to submit a stormwater mitigation plan that complies with the most recent Standard Urban Storm Water Mitigation Plan (SUSMP) and the current Municipal National Pollutant Discharge Elimination System (NPDES) Permit. The stormwater mitigation plan would be required to include (1) collection, storage, and minimization of urban runoff; (2) maintenance of equipment; (3) removal of debris; and (4) prohibition of the use of any pesticides and fungicides that are banned by the US Environmental Protection Agency. Furthermore, the proposed project design must be consistent with the West Hollywood Green Building Ordinance and the Goals of the Ballona Creek Watershed Management Plan. In addition, the overall effect of the proposed project would be to ultimately reduce pollutants from surface parking lots that enter the storm drain system since the new development would be subject to current regulatory requirements, which are more stringent than regulations to which the existing onsite development was subject. Therefore, impacts would be less than significant.

Development of the project site could increase the potential for erosion, sedimentation and siltation, which has the potential to adversely affect the proposed project, downstream facilities, and receiving waters. However, mandatory conformance to the City's Storm Drainage and Storm Water Runoff Ordinance and the City's Green Building Ordinance would reduce impacts related to erosion, sedimentation and siltation to a less than significant level.

The existing cut slope located on the northern half of the property exhibits evidence that storm runoff is conveyed down the slope to the rear of the retaining wall located behind the existing building. According to the investigation conducted by Pacific GeoSoils (see Appendix G of the certified EIR), the existing surficial slope failure located on the north east property corner is due to water that has entered through exposed joints.

As indicated above, the proposed project is considered a "priority project" as it meets one or more of the requirements set forth by the NPDES permit as found in the West Hollywood Municipal Code §15.56.090. Consequently, the applicant would be required to submit a stormwater mitigation plan that complies with the most recent Standard Urban Storm Water Mitigation Plan (SUSMP) and the current Municipal National Pollutant Discharge Elimination System (NPDES) Permit. The stormwater mitigation plan would be required to divert stormwater, incorporate elements to convey and treat stormwater runoff such as retention, infiltration and good housekeeping practices. Mandatory conformance to the City's Storm Drainage and Storm Water Runoff Ordinance (WHMC §19.20.190) and the City's Green Building Ordinance would reduce impacts related to erosion, sedimentation and siltation to a less than significant level. Impacts would be less than significant.

**Response b:**

Development of the project would increase water demand on the site and therefore may affect the supply of groundwater. (Please refer to Section XVI, Utilities and Service Systems for further discussion of this impact.)

The project site is within the Hollywood (groundwater) Basin, which underlies the northeastern portion of the Los Angeles County Coastal Plain. The Hollywood Basin is bounded on the north by the Santa Monica Mountains and the Hollywood fault, on the east by the Elysian Hills, the west by the Newport-Inglewood Uplift and the south by the La Brea high, an area of shallow bedrock.

The depth of the Hollywood Basin is as much as 660 feet, and semi-perched groundwater may occur in the alluvium, which ranges in thickness from five to 35 feet and covers about half of the basin (MWD, 2007). Limited groundwater is produced from this zone, but water from this zone can percolate into the underlying aquifers. The main potable production aquifers include the deeper aquifers of the San Pedro Formation and the shallower aquifers of the Lakewood Formation. The San Pedro Formation is only found in the westernmost portion of the basin, near Beverly Hills. The Gage aquifer of the Lakewood formation is the major water-bearing member of the Hollywood Basin. However, in general, aquifers in the Hollywood Basin are not highly transmissive and do not yield significant groundwater except in the western portion where the basin is deeper.

Historic high groundwater in West Hollywood was determined by review of the California Division of mines and Geology Open File Report 98-14 Plate 1.2 entitled “Historically Highest Groundwater Contours”, which indicated the historically highest groundwater level is on the order of 15 feet below grade.

Groundwater. A key resource that the City of West Hollywood and LADWP have relied upon is the local groundwater supply. Local groundwater provides approximately 15% of the total water supply for Los Angeles, and has provided nearly 30% of the total supply in drought years.

The LADWP owns water rights in three Upper Los Angeles River Area (ULARA) groundwater basins: San Fernando, Sylmar, and Eagle Rock, as well as Central and West Coast Basins. On average, about 86% (90,755 AFY) of Los Angeles’ groundwater supply is extracted from

ULARA groundwater basins, while the Central Basin provides 14% (15,000 AFY). The City also owns 1,503 AFY of West Coast Basin groundwater rights. However, LADWP does not exercise its pumping rights in the West Coast Basin at this time due to localized water quality issues.

Groundwater is affected by local hydrology in addition to those basins from which it draws water. However, with conjunctive use management of groundwater (storing imported water in

the groundwater basins during wet and normal years) groundwater production can actually be increased during dry years. LADWP operates its groundwater resources in this manner. On average, LADWP can pump its adjudicated right of approximately 107,000 AFY. In dry years, LADWP can pump larger quantities of groundwater. For the purposes of a single-year drought analysis, 135,000 AF is assumed to be the City's local groundwater production. If successive dry years occur, LADWP would likely pump at greater-than-average levels for the first few dry years, then starting pumping at lower levels in order to prevent groundwater overdraft.

As discussed in Section 4.9.1 of the certified EIR, water demand for the LADWP is based on the amount of development requiring water services. The LADWP supplies the amount demanded for each year and uses other water sources to replenish water sources such as groundwater and reservoir capacity. According to LADWP's 2005 UWMP, the LADWP has sufficient planned supplies available to meet the areas projected water demand over the planning horizon for each of the three hydrologic conditions. The anticipated net increase in demand of the larger project would represent less than 0.002% of the MWD service area's projected 705,000 AFY water demand of the larger project for the year 2010 under average year conditions. Therefore, the proposed reduced project's water needs are accounted for within the UWMP planning period, for which there are sufficient planned supplies and impacts would be less than significant.

**Response g-i:**

The Federal Emergency Management Agency (FEMA) is responsible for the preparation of Flood Insurance Rate Maps (FIRMs). These maps present flood hazard, expressed as areas that are subject to inundation in a storm with either a 1% Annual Exceedance Probability (AEP), also referred to as a 100-year flood, or a 0.2% AEP (500-year flood). Two areas of the City of West Hollywood lie within the 0.2% AEP boundary. An area on either side of Santa Monica Boulevard between Fairfax Avenue and Curson Avenue, and an area south of Santa Monica Boulevard between Westmount Drive and San Vicente Boulevard are currently within a FEMA 500-year flood zone. No areas of the City lie within the 1% AEP boundary.

No portions of West Hollywood lie within a federally designated mandatory flood insurance zone. On June 3, 1994, FEMA issued a Letter of Map Revision for Case No. 94-09-540P. The FEMA flood insurance rate map was revised for the eastern portion of the City to reflect upgrades to flood protection due to the completion of the Los Angeles County Flood Control District's Pan Pacific Flood Control System. On September 29, 2008, FEMA issued a Letter of Map Revision for Case No. 08-09-1715P. The flood insurance rate map was revised for the

southwest portion of the City to reflect upgrades to flood protection due to the completion of the Los Angeles County Flood Control District's Holly Hills Storm Drain System.[10]

The project site is not located within a Federal Emergency Management Agency (FEMA) designated 100-year flood zone (FEMA Panel No. 06037C1585F, 2008). The project site is located in FEMA Zone X, which is outside the 0.2% chance annual flood (www.fema.gov). No impact would occur and further analysis is not warranted.

[10] *City of West Hollywood, General Plan, Final EIR, October 2010, pg 3.7-2: http://www.weho.org/Modules/ShowDocument.aspx?documentid=9823*

| | Potentially Significant Impact | Potentially Significant Unless Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|---|---|---|---|
| **X. Land Use And Planning**. Would the project: | | | | |
| a. Physically divide an established community? | ☐ | ☐ | ☐ | ☒ |
| b. Conflict with applicable land use plan, policy or regulation of an agency with jurisdiction over the project (including but not limited to the general plan, specific plan, coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? | ☐ | ☐ | ☒ | ☐ |
| c. Conflict with any applicable habitat conservation plan or natural community conservation plan? | ☐ | ☐ | ☐ | ☒ |

**Response a:**

The proposed project involves infill development that would replace an existing three-story apartment complex with a five-level, mixed use building consisting of 11 residential units, 11,240 square feet of commercial use, and a subterranean parking structure. The site is located in an area in West Hollywood (and the City of Los Angeles) that contains both residential and commercial development. The site is adjacent to both a commercial strip to the east on Sunset Boulevard and multi-family residential structures to the west on Miller Drive. The proposed mixed use development would not divide an established community. No impact would occur and further analysis of this is not warranted.

**Response b:**

A significant impact may occur if a project is inconsistent with the General Plan or zoning designations currently applicable to the project site and would cause adverse environmental effects, which the General Plan and zoning ordinance are designed to avoid or mitigate. The following is a list of applicable plans:

***Regional Level***

*Southern California Association of Governments (SCAG)*

- Regional Comprehensive Plan and Guide (RCPG)

*South Coast Air Quality Management District (SCAQMD)*

- Air Quality Management Plan (AQMP)

*Los Angeles County Metropolitan Transportation Authority (Metro)*

- Congestion Management Plan (CMP) for Los Angeles County

***City of West Hollywood***

*City of West Hollywood General Plan 2035*

*City of West Hollywood Zoning Map*

**Consistency with Regional Plans**

***Southern California Association of Governments (SCAG)***

The Regional Comprehensive Plan and Guide (RCPG) was adopted in 1996 by the member agencies of SCAG to set broad goals for the Southern California region, with the exception of the County of San Diego, and to identify strategies for agencies at all levels of government to use in guiding their decision-making. The RCPG identifies significant issues and changes that can be anticipated by the year 2015 and beyond.

Adopted policies related to land use are contained primarily in the Growth Management chapter of the RCPG. The primary goal of the Growth Management chapter is to address issues related to growth and land use by encouraging local land use actions that could ultimately lead to the development of an urban form that will help minimize development costs, save natural resources, and enhance the quality of life in the region. SCAG uses the criteria in *CEQA Guidelines*, Section 15206 to define what a regionally significant project is:

1. A proposed local general plan, element, or amendment thereof for which an EIR was prepared.

2. A proposed residential development of more than 500 dwelling units.

3. A proposed shopping center or business establishment employing more than 1,000 persons or encompassing more than 500,000 square feet of floor space.

4. A proposed commercial office building employing more than 1,000 persons or encompassing more than 250,000 square feet of floor space.

5. A proposed hotel/motel of more than 500 rooms.

6. A proposed industrial, manufacturing, or processing plant, or industrial park planned to house more than 1,000 persons, occupying more than 40 acres of land, or encompassing more than 650,000 square feet of floor area.

7. A project that would result in the cancellation of a Williamson Act Contract for any parcel of 100 or more acres.

8. A project for which an EIR was prepared and which is located in and substantially impacting an area of critical environmental sensitivity. This includes the California Coastal Zone.

9. A project that would substantially affect sensitive wildlife habitats such as riparian lands, wetlands, bays, estuaries, marshes, and habitats for rare and endangered species.

10. A project that would interfere with the attainment of regional water quality standards as stated in the approved areawide wastewater management plan.

11. A project that would provide housing, jobs, or occupancy for 500 or more people within 10 miles of a nuclear power plant.

12. A project that has the potential for causing significant effects on the environment extending beyond the city or county in which the project would be located.

Based on the criteria above, the Project is not of the scale to be considered regionally significant pursuant to SCAG criteria. As such, the Project would not be required to demonstrate consistency with SCAG policies contained in the RCPG, or the Compass Growth Vision Report, Regional Comprehensive Plan, or Regional Transportation Plan.

***SCAQMD AQMP***

The Project is located within the South Coast Air Basin (the "Basin") and, therefore, falls under the jurisdiction of the SCAQMD. In conjunction with SCAG, SCAQMD is responsible for formulating and implementing air pollution control strategies. SCAQMD's AQMP was updated in 2007 to establish a comprehensive air pollution control program leading to the attainment of state and federal air quality standards in the Basin, which is a non-attainment area. The Project would not significantly affect the emissions generated or add emissions to the Basin that were not already forecast and accounted for in the approved AQMP. Therefore, no impact would occur.

***CMP***

The CMP for Los Angeles County is intended to address vehicular congestion relief by linking land use, transportation, and air quality decisions. The CMP also seeks to develop a partnership among transportation decision-makers to devise appropriate transportation solutions that include all modes of travel, and to propose transportation projects that are eligible to compete for state gas tax funds. Within Los Angeles County, Metro is the designated congestion management agency responsible for coordinating the CMP. A CMP traffic impact analysis is required if a project would add 150 or more trips to the freeway, in either direction during either the A.M. or P.M. weekday peak hour. An analysis is also required at all CMP monitoring intersections where a project would add 50 or more peak hour trips.[11]

Based on the Project's trip generation estimates described in Section XVI Transportation/ Circulation, below, based on the changes of land uses and their respective densities, a trip generation analysis was prepared to assess the likelihood of potential new traffic impacts that were not identified in the aforementioned certified EIR. The findings in the certified EIR concluded that the project would not create any significant traffic impacts at any of the study locations with the exception of the intersection of Sunset Boulevard/La Cienega Boulevard/Miller Drive. The certified EIR also concluded that the significant impact would be fully mitigated with intersection improvements. Given the revised project would generate less trips, it can be concluded that the revised project would not create any new significant traffic impacts beyond those which were identified in the certified EIR.

**Consistency with City Plans**

***City of West Hollywood General Plan 2035***

State law requires that every city and county prepare and adopt a long-range comprehensive General Plan to guide future development and to identify the community's environmental, social, and economic goals.[12] The General Plan provides a future vision, policies, and proposed actions to guide decision-makers, staff members, project developers, businesses, and residents in West Hollywood. The West Hollywood General Plan 2035 informs and is implemented by the City's various ordinances, specific plans, programs, and ongoing activities. It sets overall City policy and priorities for how to use and manage its physical, social, and economic resources. The General Plan 2035 documents a shared vision for the future and sets the policies and programs to achieve that vision.

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[11] *2010 Congestion Management Program for Los Angeles County, pg. 46: http://www.metro.net/projects_studies/cmp/images/CMP_Final_2010.pdf*

[12] *California Government Code Section 65300.*

*Land Use Designation*

The General Plan 2035 designates the Project Site Sunset Specific Plan (SSP). The density/intensity, height and number of stories vary along the corridor. Specific information on each parcel may be found in the Sunset Specific Plan.

*General Plan 2035 Consistency*

The Project is consistent with the General Plan 2035's Goal LU-15 to "Maintain Sunset Boulevard as a regional, national, and international destination for entertainment, and the primary economic engine of the City." This project will enhance the vitality of Sunset Boulevard, a popular and iconic national and international destination and the primary economic engine of the City. This project will add to the diverse mix of restaurant, retail, and lifestyle uses that support the entertainment and destination-oriented character of the area. The project will provide a plaza at the ground floor with many pedestrian-friendly amenities that will enhance the streetscape and will promote walking between this project and other destinations in the area.

*City of West Hollywood Zoning Map*

The Project Site is currently designated Sunset Specific Plan (SSP) on the Zoning Map which is consistent with the General Plan designation of the site. Therefore, the Project's land use impacts would be **less than significant.**

**Response c:**

A significant impact may occur if a project is inconsistent with policies in any draft or adopted conservation plan. There are no adopted habitat conservation plans or natural community conservation plans in the City of West Hollywood.[13] The Project would have **no impact** related to this issue.

[13] *City of West Hollywood, General Plan, Final EIR, October 2010, pg 5-59: http://www.weho.org/Modules/ShowDocument.aspx?documentid=9822*

| | Potentially Significant Impact | Potentially Significant Unless Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|---|---|---|---|
| **XI. Mineral Resources**. Would the project: | | | | |
| a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? | ☐ | ☐ | ☐ | ☒ |
| b. Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan? | ☐ | ☐ | ☐ | ☒ |

**Response a:**

A significant impact may occur if a project is located in an area used or available for extraction of a regionally-important mineral resource, and if the project converted an existing or potential future regionally-important mineral extraction use to another use, or if the project affected access to a site used or potentially available for regionally-important mineral resource extraction.

There are no known mineral resources located within the City of West Hollywood, and only marginal extraction is occurring from oil fields in the City.[14]

The Project Site is completely developed and surrounded by an urbanized area of the City. The Project would not result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state.

The Project would have **no impact** related to loss of availability of a known mineral resource.

**Response b:**

A significant impact may occur if a project is located in an area used or available for extraction of a locally-important mineral resource extraction, and if the project converted an existing or

[14] *City of West Hollywood, General Plan, Final EIR, October 2010, pg 4-5: http://www.weho.org/Modules/ShowDocument.aspx?documentid=9822*

potential future locally-important mineral extraction use to another use, or if the project affected access to a site used or potentially available for locally-important mineral resource extraction. Government Code Section 65302(d) states that a conservation element of the general plan shall address "minerals and other natural resources."

The Project Site is not located in an area used or available for mineral resource extraction, nor does it convert a potential future mineral extraction use to another use, nor does the development affect access to a site used for mineral resource extraction. The Project Site is completely developed and surrounded by an urbanized area of the City.

The Project would have **no impact** related to loss of availability of a locally-important mineral resource recovery site.

| | Potentially Significant Impact | Potentially Significant Unless Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|---|---|---|---|
| **XII. Noise.** Would the project: | | | | |
| a. Exposure of persons to or generation of noise in level in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? | ☐ | ☐ | ☒ | ☐ |
| b. Exposure of people to or generation of excessive groundborne vibration or groundborne noise levels? | ☐ | ☐ | ☒ | ☐ |
| c. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? | ☐ | ☐ | ☒ | ☐ |
| d. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? | ☐ | ☐ | ☒ | ☐ |
| e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? | ☐ | ☐ | ☐ | ☒ |
| f. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels? | ☐ | ☐ | ☐ | ☒ |

**Response a, b, and d:**

Project site preparation and construction activities would generate temporary increases in noise onsite and at adjacent properties, including groundborne vibrations/noise. Noise levels during construction can be in the 78-88 dBA range during peak activity periods (U.S. Environmental Protection Agency, 1971). Such levels are substantially higher than ambient noise levels in the site vicinity and would be a source of temporary noise annoyance to adjacent residents.

Any construction that takes place in the vicinity of residential neighborhoods has the potential to increase noise levels; however such an increase due to construction is temporary and considered to be a necessary, if undesirable, side effect of site improvements. Noise levels associated with the construction and operation of this development are not expected to be in excess of any standards established in the West Hollywood Municipal Code or in excess of levels typically associated with construction projects and commercial uses. The development is not expected to generate noise levels above those typically associated with other mixed use developments. Therefore, the development will have a less than significant impact to the levels of noise in the vicinity and will not expose persons to noise levels in excess of the standards established in the local general plan or noise ordinances, or applicable standards of other agencies.

Any construction that takes place in the vicinity of residential neighborhoods has the potential to increase levels of groundborne vibration or noise levels. However, such an increase due to construction is temporary in nature. Also note, that construction-generated noise would be intermittent and would vary by phase, with some phases being quieter than the maximum noise levels discussed above. In addition, pile driving, a construction activity that generates unusually high noise levels, is not a proposed component of project construction. Also, the West Hollywood Municipal Code (WHMC) exempts construction-generated noise and associated vibration that occurs between the hours of 8:00 A.M. and 7:00 P.M., Monday through Friday, but does not contain quantified vibration level limits for construction activities. This reflects the City's acknowledgement that construction noise and associated vibration is a necessary part of new development and does not create an unacceptable public nuisance when conducted during the least noise-sensitive hours of the day. Levels of potential groundborne vibration or noise levels associated with the construction of the Project are not expected to be in excess of any standards established in the West Hollywood Municipal Code or in excess of levels typically associated with construction projects. Therefore, a less than significant impact would occur.

The development has the potential to increase levels of ambient noise in the area above those that exist without the development in that the site will be occupied by retail/commercial uses. Ambient noise levels associated with the operation of this development are not expected to be in excess of any standards established in the West Hollywood Municipal Code or in excess of levels typically associated with retail/commercial projects. The development is not expected to generate noise levels above those typically associated with other retail/commercial developments.

Although impacts would be less than significant without mitigation, the following measures are recommended to further reduce construction related noise impacts to nearby sensitive receptors.

**N-1(a)** Staging Area. The construction contractor shall provide staging areas onsite to minimize off-site transportation of heavy construction equipment.

These areas shall be located to maximize the distance between activity and sensitive receptors. This would reduce noise levels associated with most types of idling construction equipment.

**N-1(b)** Diesel Equipment Mufflers. All diesel equipment shall be operated with closed engine doors and shall be equipped with factory- recommended mufflers.

**N-1(c)** Electrically-Powered Tools and Facilities. Electrical power shall be used to run air compressors and similar power tools and to power any temporary structures, such as construction trailers or caretaker facilities.

Operation of the commercial component of the project would generate noise levels that may periodically be audible to existing uses near the project site. Onsite noise sources include rooftop ventilation and heating systems, deliveries, trash hauling, parking lot activity and general retail activities. However, with adherence to the City of West Hollywood's Noise Ordinance, impacts would be less than significant.

Existing uses near the project site may periodically be subject to noises associated with operation of the proposed commercial component of the project, including noise that is typical of retail and restaurant uses such as light machinery, conversations, doors slamming and delivery trucks.

Other noise sources would be the use of the parking garage located on the project site. Onsite parking would be located in the proposed subterranean parking garage. Locations of proposed driveways are located at the western portion of the site approximately 20 feet from the adjacent multi-family residential structure to the west. Vehicles would take access to the project from Miller Drive.

Project parking areas would be completely enclosed. As such, noise associated with the parking structure of the proposed project would not be adverse due to no visible line of site for noise to travel.

Operation of the proposed retail and restaurant components would involve delivery trucks and trash hauling trucks going to and from the project site. Deliveries and trash hauling would occur within the garage. The project trash room and delivery areas are located on Level One. An individual delivery truck can generate noise of up to 85 dB. Such a noise level would be audible any time of day and could be disruptive if it were to occur at night or in the early morning hours when people are most sensitive to noise. However, pursuant to Section 9.08.050 of the City's Municipal Code, commercial deliveries that would cause unreasonable noise disturbance are not permitted between the hours of 10:00 pm and 7:00 am. Noise generated by daytime deliveries and trash pickups would not adversely affect nearby sensitive receptors due to their

relatively low frequency and the lower noise level sensitivity of receptors during the day. Rooftop mechanical equipment is subject to Section 19.20.090 of the West Hollywood Municipal Code which requires the equipment to be enclosed so that equipment is not audible by persons on adjacent properties. Impacts would be less than significant.

**Response c:**

The main source of noise at the project site is traffic on Sunset Boulevard. The increase in traffic levels within and adjacent to the project associated with the increased intensity of development would incrementally increase noise levels to sensitive receptors on adjacent roads. However, the increase in noise would not exceed significance thresholds, and traffic noise impacts would be less than significant.

The proposed project would generate less vehicle trips to and from the site than the larger project that was analyzed in the certified EIR. (See Section 4.7 in the certified EIR and the Transportation/Traffic Section XVI below.) The certified EIR identified that the existing project site noise levels are higher than the adjacent multi-family receptors due to its location in relationship to the intersection of La Cienega Boulevard/Sunset Boulevard. Additionally, the multi-family receptors have a row of commercial buildings between them and Sunset Boulevard which cuts down noise levels. As shown in Table 4.7-5 of the certified EIR, the highest noise level increase due to the larger project for the future development scenario would be 0.6 dB. This is less than the 1.5 dB threshold for significant increases in noise, as shown in Table 4.7-3 in the certified EIR. As indicated in the certified EIR, 3 dB change in community noise levels is noticeable, while 1-2 dB changes generally are not perceived. As such, the estimated 0.6 dB increase in traffic noise generated by the larger project would not be perceived. Therefore, impacts related to project- generated traffic noise for the proposed reduced project would also be less than significant.

Residents of the proposed project would be subject to high ambient noise levels. The primary source of noise for project residents would be traffic traveling through the intersection of La Cienega Boulevard /Sunset Boulevard and commercial uses on the project site. However, the closest residential units would be located approximately 22 feet above the La Cienega Boulevard/Sunset Boulevard intersection. This separation reduces sound levels that would be perceived by residential units. Commercial and restaurant components could possibly increase noise levels during peak use hours including evening and nighttime hours compared to the existing uses. Although this area of Sunset Boulevard includes other surrounding restaurants and nightclubs, the increased noise has the potential to disturb project residents.

Nevertheless, the proposed project is subject to Title 24 which states that the interior noise of the residential dwellings must not exceed 45 dBA CNEL. The proposed project would be required to be built in compliance with Title 24. Further, the proposed project is subject to Section 19.20.090 of the West Hollywood Municipal Code which includes residential and

commercial noise attenuation requirements to ensure noise is properly abated to acceptable levels in compliance with Chapter 9.08 of the Municipal Code. Compliance with City and State requirements would be verified during the plan check and prior to issuance of a building permit. Adherence to the above mentioned standards would ensure impacts would be less than significant.

**Response e, f:**

A significant impact may occur if a project is located within an airport land use plan and would introduce substantial new sources of noise or substantially add to existing sources of noise within or in the vicinity of the project site during construction of the project.

There are no airports or airstrips within 2 miles of West Hollywood, and no portions of the City are subject to land use restrictions based on the requirements of an airport land use compatibility plan. The Project is not located within an airport land use plan area or within two miles of a public airport or public use airport. Bob Hope Airport in Burbank is located approximately 8.1 miles north, Santa Monica Airport is located 6.0 miles southwest, and LAX is located 9.6 miles south. The Project would not expose people residing or working in the development area to excessive noise levels.

The Project would have **no impact** related to this issue.

| | Potentially Significant Impact | Potentially Significant Unless Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|---|---|---|---|
| **XIII. Population And Housing**. Would the project: | | | | |
| a. Induce substantial population growth in an area either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? | ☐ | ☐ | ☒ | ☐ |
| b. Displace substantial numbers of existing housing necessitating the construction of replacement housing elsewhere? | ☐ | ☐ | ☒ | ☐ |
| c. Displace substantial numbers of people necessitating the construction of replacement housing elsewhere? | ☐ | ☐ | ☒ | ☐ |

**Response a, b, c:**

Population impacts are considered potentially significant if growth associated with the proposed project would exceed projections for the area and if such an exceedence would have the potential to create a significant physical change to the environment or adversely alter the jobs/housing balance. The proposed project would displace existing residents as it will entail a net decrease of 20 net dwelling units. Pursuant to Section 17.52.020 of the West Hollywood Municipal Code, the owner of the existing apartment complex would be required to pay tenant relocation fees. Therefore, impacts related to the displacement of housing units and people are anticipated to be less than significant.

Additionally, the incremental decrease of jobs and housing would not adversely affect the jobs/housing balance in the City of West Hollywood. Additional employment opportunities will become available due to the introduction of new retail and restaurant uses at the site. Based on information provided by the project applicant, it is anticipated that the commercial component would employ approximately 29 persons (the retail component would employ approximately 9 persons and the restaurant would employ up to 20 persons). The estimated increase of 29 jobs in the City of West Hollywood would not exceed SCAG's employment projections. It is unlikely, due to current market conditions, that housing or employment will grow at a rate that would substantially alter the jobs/housing ratio. Furthermore, development of the proposed project

would not facilitate changes that would exceed SCAG projections for population, housing, or employment. Therefore, impacts would be less than significant.

The proposed project includes 1 affordable for-rent dwelling unit. This would contribute to the City's 77-unit RHNA construction needs, as indicated in Draft Regional Housing Needs Assessment Allocation Plan dated December 9, 2011. The project would reduce this need by one. Therefore, the project would result in a beneficial effect with respect to the RHNA housing needs. It should be noted, that although the proposed project would remove 31 existing dwelling units, the demolition of the existing building would not reduce affordable housing as none of the existing onsite units are designated affordable housing.

| | | Potentially Significant Impact | Potentially Significant Unless Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|---|---|---|---|---|
| **XIV.** | **Public Services.** Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: | | | | |
| a. | Fire protection? | ☐ | ☐ | ☒ | ☐ |
| b. | Police protection? | ☐ | ☐ | ☒ | ☐ |
| c. | Schools? | ☐ | ☐ | ☐ | ☒ |
| d. | Parks? | ☐ | ☐ | ☐ | ☒ |
| e. | Other governmental services? | ☐ | ☐ | ☒ | ☐ |

**Response a:**

The Los Angeles County Fire Department (LACFD) provides fire protection in West Hollywood and the Project Site through the following stations:[15]

- Fire Station 7 (Battalion Headquarter), located at 865 N. San Vicente Boulevard, which has six personnel who staff a paramedic engine and paramedic squad; and

- Fire Station 8, located at 7643 W. Santa Monica Boulevard, which has 13 personnel who staff an engine, paramedic squad, and a "light force" that is made up of a truck and engine company.

The two stations are staffed by more than 60 firefighters, a deputy chief, and an assistant chief. There is access to an Urban Search and Rescue, Hazmat teams, and Air Operations. During

[15] *LA County Fire Department: http://fire.lacounty.gov/HometownFireStations/HometownFireStations.asp*

2009, LACFD had an average emergency response time for first arriving units of 3 minutes 55 seconds, and non-emergency response time of 5 minutes 20 seconds.[16]

The slight intensification of commercial uses on the site would incrementally increase demand for fire protection service. However, the Site is within an existing commercial corridor that is already served by the LACFD and the Project would not require the construction of new facilities in order to maintain response time objectives. Replacement of older commercial buildings with new structures built in accordance with current Fire Code requirements would reduce potential fire hazards.

Also, according to staff at the Los Angeles County Fire Department's Prevention Services Bureau (see letter in the certified EIR from Frank Vidales, LACFD, 2009), a flow of 5,000 gpm at 20 psi was required for the larger project. The results of a hydraulic model flow test indicated that fire flows at the hydrants that would serve the project in an emergency situation were measured at 3,500 and 3,000 gpm. As indicated in Section 4.9.1 of the certified EIR, fire flow pressure may be taken from dual hydrants to provide the required fire flow pressure for the projects served by the LACFD. Therefore, the combined existing fire flow of the two hydrants that serve the site would be 6,500 gpm, which would exceed the required flow for the larger project by 1,500 gpm. Therefore, the smaller proposed project would have a less than significant impact related to fire protection.

**Response b:**

The Los Angeles County Sheriff's Department (LACSD) provides police protection in West Hollywood. The Department's West Hollywood station is located at 780 N. San Vicente Boulevard. The station has approximately 136 sworn personnel and 35 civilian personnel. The station's citywide response time to emergency calls for service is 3.4 minutes, and 6.6 minutes for priority calls for service. For routine calls, the station's goal is to respond to calls within 20 minutes. The response times are currently within established norms for emergency and priority calls. At the present time, there are no plans for a new station, new equipment, or increased manpower. [17]

The Project would incrementally increase demand for police protection service. However, the Project Site is within an existing commercial corridor and that is already served by the Sheriff's Department, and the Project would not require the construction of new facilities in order to

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[16] *City of West Hollywood, General Plan, Final EIR, October 2010, pg 3.12-5:* *http://www.weho.org/Modules/ShowDocument.aspx?documentid=9822*

[17] *City of West Hollywood, General Plan, Final EIR, October 2010, pg 3.12-1:* *http://www.weho.org/Modules/ShowDocument.aspx?documentid=9822*

maintain response time objectives. The Project would have a less than significant impact related to police protection.

**Response c:**

The Los Angeles Unified School District (LAUSD) provides public school services to West Hollywood residents for grades kindergarten through 12. Only two public schools, West Hollywood Elementary, at 970 North Hammond Street, and West Hollywood Community Day School, at 1049 North Fairfax Avenue, are within the City boundaries. Other elementary, middle, and high school students attend LAUSD schools at locations in the City of Los Angeles. These include four elementary schools (Laurel, Gardner, Rosewood, and Vine), two middle schools (Bancroft and Burroughs), and two high schools (Fairfax and Hollywood).[18]

The Project will replace 31 residential units with 11 residential units, and therefore would decrease the demand for public school services, in other words, the project is not be anticipated to generate any more students who would attend local schools than the existing project – it would actually decrease the potential number of students that may need school services. Regardless, any impacts would be offset by the payment of standard commercial school fees. As such, the Project would have no impact related to schools.

**Response d:**

West Hollywood has 6 developed parks in the City, amounting to 15.31 acres of parkland.

Pocket Parks are 0.25 to 0.5 acre in size and typically occupy "in-fill" parcels. These have limited recreation needs and few amenities. Havenhurst Park and Formosa Park are pocket parks within the City.

Neighborhood Parks are the basic unit of the City's park system and are approximately 0.5 to 1 acre in size. Neighborhood parks generally accommodate spaces for passive activities and active recreation. Kings Road Park and William S. Hart Park are neighborhood parks.

Community Parks serve a broader purpose than neighborhood parks. Community parks meet the City's recreation needs through more formal and highly programmed activities. Amenities include basketball and tennis courts, playgrounds, and community meeting facilities. Community parks in West Hollywood include Plummer Park and West Hollywood Park.[19] The West

[18] *City of West Hollywood, General Plan, Final EIR, October 2010, pg 3.12-6:* *http://www.weho.org/Modules/ShowDocument.aspx?documentid=9822*

[19] *City of West Hollywood, General Plan, Final EIR, October 2010, pg 3.13-1:* *http://www.weho.org/Modules/ShowDocument.aspx?documentid=9822*

Hollywood Park is located north of the Project site but no improvements are proposed that would impact this park directly or indirectly.

The Project will replace 31 residential units with 11 residential units, and therefore would decrease the demand for parks and recreation compared to the existing residential building. Therefore, Project implementation would not require the development of new park facilities. The Project would have no impact related to parks.

**Response e:**

A significant impact may occur if a project includes substantial employment or population growth that could generate a demand for other public facilities (such as libraries). The reduction of residential units from 31 to 11 will decrease the need for public facilities due to the reduced number of residents that will be housed in the project. Also, based on information provided by the project applicant, it is anticipated that the commercial component would employ approximately 29 persons (the retail component would employ approximately 9 persons and the restaurant would employ up to 20 persons). The estimated increase of 29 jobs in the City of West Hollywood would not exceed SCAG's employment projections. It is unlikely, due to current market conditions, that housing or employment will grow at a rate that would substantially alter the jobs/housing ratio. Furthermore, development of the proposed project would not facilitate changes that would exceed SCAG projections for population, housing, or employment. Therefore, impacts to other public facilities would be less than significant.

| | Potentially Significant Impact | Potentially Significant Unless Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|---|---|---|---|
| **XV. Recreation.** | | | | |
| a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? | ☐ | ☐ | ☒ | ☐ |
| b. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? | ☐ | ☐ | ☒ | ☐ |

**Response a and b:**

A significant impact may occur if the project would include substantial employment or population growth that could generate an increased demand for recreation facilities which exceeds the capacities of existing parks and/or cause premature deterioration of recreation facilities. The reduction of residential units from 31 to 11 will decrease the need for recreation facilities due to the reduced number of residents that will be housed in the project. Also, based on information provided by the project applicant, it is anticipated that the commercial component would employ approximately 29 persons (the retail component would employ approximately 9 persons and the restaurant would employ up to 20 persons). The estimated increase of 29 jobs in the City of West Hollywood would not exceed SCAG's employment projections. It is unlikely, due to current market conditions, that housing or employment will grow at a rate that would substantially alter the jobs/housing ratio. Furthermore, development of the proposed project would not facilitate changes that would exceed SCAG projections for population, housing, or employment. Therefore, impacts to recreation would be less than significant.

| | Potentially Significant Impact | Potentially Significant Unless Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|---|---|---|---|
| **XVI. Transportation/Circulation**. | | | | |
| Would the project: | | | | |
| a. Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit? | ☐ | ☐ | ☒ | ☐ |
| b. Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways? | ☐ | ☐ | ☐ | ☒ |
| c. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? | ☐ | ☐ | ☐ | ☒ |
| d. Substantially increase hazards to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? | ☐ | ☐ | ☒ | ☐ |
| e. Result in inadequate emergency access? | ☐ | ☐ | ☒ | ☐ |
| f. Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities? | ☐ | ☐ | ☒ | □ |

**Responses a, b:**

The following section is based on the Trip Generation Assessment – 8497-8499 Sunset Boulevard Memorandum from Bob Cheung to Francisco Contreras dated August 8, 2012. This memorandum is included as Appendix B of this IS/MND.

The proposed project proposes to provide: 4,528 sf of retail, 11 units of residential condominiums and 6,712 sf of quality restaurant uses. A traffic impact study for the recently-approved, larger project proposed by the same applicant at the same site was previously analyzed as part of a the certified EIR which proposed/analyzed: 3,007 sf of retail, 34 units of residential condo and 6,153 sf of high-turnover restaurant. The EIR for this previous proposal was certified by the City Council on January 18, 2011.

Based on the changes of land uses and their respective densities, a trip generation analysis was prepared to assess the likelihood of potential new traffic impacts that were not identified in the aforementioned certified EIR. Based on the proposed project, the trip generation estimates are summarized in the table below:

| Land Use | Size | | ITE Code | Average Weekday | Weekday | | | | | | | | | Weekend | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | AM Peak Hour | | | Midday Peak Hour | | | PM Peak Hour | | | Daily | Night-Time Peak Hour | | |
| | | | | | In | Out | Total | In | Out | Total | In | Out | Total | | In | Out | Total |
| ***Trip Generation Rates*** | | | | | | | | | | | | | | | | | |
| Specialty Retail [a] | - | sf | 814 | 44.32 | 60% | 40% | 1.33 | 48% | 52% | 6.84 | 44% | 56% | 2.71 | 42.04 | 56% | 44% | 5.02 |
| Apartment [b] | - | du | 220 | 6.72 | 20% | 80% | 0.51 | 29% | 71% | 0.55 | 65% | 35% | 0.62 | 6.39 | 50% | 50% | 0.52 |
| Residential Condominium [b] | - | du | 230 | 5.86 | 17% | 83% | 0.44 | 18% | 82% | 0.44 | 67% | 33% | 0.52 | 5.67 | 54% | 46% | 0.47 |
| Quality Restaurant | - | sf | 931 | 89.95 | 50% | 50% | 0.81 | 67% | 33% | 7.49 | 82% | 18% | 5.57 | 94.36 | 59% | 41% | 10.82 |
| ***Proposed Project*** | | | | | | | | | | | | | | | | | |
| Specialty Retail | 4,528 | sf | 814 | 201 | 4 | 2 | 6 | 15 | 16 | 31 | 5 | 7 | 12 | 190 | 13 | 10 | 23 |
| Condominium | 11 | du | 230 | 64 | 1 | 4 | 5 | 1 | 4 | 5 | 4 | 2 | 6 | 62 | 3 | 2 | 5 |
| Quality Restaurant | 6,712 | sf | 931 | 604 | 3 | 2 | 5 | 34 | 16 | 50 | 30 | 7 | 37 | 633 | 43 | 30 | 73 |
| Sub-total | | | | 869 | 8 | 8 | 16 | 50 | 36 | 86 | 39 | 16 | 55 | 885 | 59 | 42 | 101 |
| ***Existing Use (trip credit)*** | | | | | | | | | | | | | | | | | |
| Apartment | 31 | du | 220 | 208 | 3 | 13 | 16 | 5 | 12 | 17 | 12 | 7 | 19 | 198 | 8 | 8 | 16 |
| Subtotal | | | | 208 | 3 | 13 | 16 | 5 | 12 | 17 | 12 | 7 | 19 | 198 | 8 | 8 | 16 |
| ***Net Total Trip Generation*** | | | | 661 | 5 | -5 | 0 | 45 | 24 | 69 | 27 | 9 | 36 | 687 | 51 | 34 | 85 |

Source: Institute of Transportation Engineers (ITE) "Trip Generation - 7th Edition". (Unless otherwise indicated).

Notes:

[a] AM peak hour trip generation rates obtained from SANDAG Traffic Generators, May 2003. Midday peak hour rates are based on ITE's AM Peak Hour of Generator rates. Weekend night-time peak hour rates are based on ITE's Weekday PM Peak Hour of Generator rates.

[b] Midday peak hour rates are based on ITE's AM Peak Hour of Generator rates. Weekend night-time peak hour rates are based on ITE's Saturday Peak Hour of Generator rates.

As compared to the project trips that were analyzed for the previous project's EIR, the revised project would generate less trips as follows:

| | Trips | | |
|---|---|---|---|
| | **EIR** | **Revised** | **Diff** |
| weekay | 906 | 661 | -245 |
| weekay AM peak hour | 74 | 0 | -74 |
| weekay midday peak hour | 102 | 69 | -33 |
| weekay PM peak hour | 74 | 36 | -38 |
| weekend | 1095 | 687 | -408 |
| weekend nigh-time | 138 | 85 | -53 |

The findings in the certified EIR concluded that the project would not create any significant traffic impacts at any of the study locations with the exception of the intersection of Sunset Boulevard/La Cienega Boulevard/Miller Drive. The certified EIR also concluded that the significant impact would be fully mitigated with intersection improvements. Given the revised project would generate less trips, it can be concluded that the revised project would not create any new significant traffic impacts beyond those which were identified in the certified EIR. Also, since the only significant traffic impact identified in the certified EIR at Sunset Boulevard/La Cienega Boulevard/Miller Drive was fully mitigated, it can also be concluded that the mitigation measure would also fully mitigate the revised project impacts.

The mitigation measures that were required in the certified EIR have been included as mitigation measures for this project:

**T-1.** Construction Staging and Traffic Management Plan. Prior to issuance of a building permit, the project applicant shall develop and submit for approval to the City of West Hollywood a Construction Staging and Traffic Management Plan that includes designated haul routes and staging areas, traffic control procedures, emergency access provisions and construction crew parking, to mitigate traffic impacts during construction. The plan shall also require appropriate signage to restrict construction traffic from traveling or parking on the surrounding residential streets, appropriate signage to guide the construction traffic to the main entrance of the site and signage to warn the general traffic of trucks entering and exiting the project site. In addition, the plan shall require that temporary sidewalks or alternative pedestrian passage be provided should sidewalks be closed during construction. The applicant shall submit required documentation and achieve approval of the management plan from the City of West Hollywood prior to construction.

**T-2.** Restriping. Prior to the issuance of a certificate of occupancy, the applicant shall restripe the northbound approach within the existing curb-to-curb to provide one shared left/through/right lane (10-foot wide) and one exclusive right-turn lane (11-foot wide). Restriping shall be done in accordance with City standards. The

restriping would allow for dual right-turn lanes and would help to accommodate the heavy right-turning volumes.

**Response c:**

A significant impact would occur if a proposed project included an aviation-related use and would result in safety risks associated with such use. The Project does not include any aviation-related uses. The Project Site is not located within an airport land use plan area or within two miles of a public airport or public use airport. Safety risks associated with a change in air traffic patterns would not occur. The Project would have no impact related to change in air traffic patterns.

**Response d:**

A significant impact may occur if a project includes a new roadway design or introduces a new land use or project features into an area with specific transportation requirements, characteristics, or project access or other features designed in such a way as to create hazardous conditions. The Project does not include a new roadway design or introduce a new land use or project feature that would create a hazardous condition. As such, the Project would have a less than significant impact related to hazards in a design feature or incompatible uses.

**Response e:**

A significant impact may occur if a project design does not provide emergency access meeting the requirements of the LACFD or in any other way threatens the ability of emergency vehicles to access and serve the project site or adjacent uses. Emergency access to the Site is adequate from adjacent roadways. The proposed building itself would meet LACFD and City Building and Safety requirements when reviewed during plan check.

Furthermore, the intersection of Sunset Boulevard and La Cienega/Miller Drive is currently operating at LOS F and is projected to operate at LOS F without the project. As part of the project's mitigation measure, the northbound approach on La Cienega will be restriped to provide for an additional right-turn lane. This project improvement mitigates the project's impacts. The improvement also improves overall volume-to-capacity (V/C) and LOS at the intersection to levels better than existing 2008 conditions enabling improved traffic flow for all vehicles including emergency vehicles. The Project would have a less than significant impact related to emergency access.

**Response f:**

A significant impact may occur if a project would conflict with adopted policies or involve modification to existing alternative transportation facilities located on- or off-site.

The Project would be in compliance with the City of West Hollywood Code requirements for bicycle facilities (Bicycle and Pedestrian Mobility Plan of 2003) and other alternative transportation modes required of new construction. The Project would not inhibit the implementation of the City's Transportation Demand Management (TDM) ordinance. The ordinance requires all employers of five or more employees at a worksite located in the City and in a development of 10,000 or more square feet of enclosed space to develop and submit a Trip Reduction Plan. Important strategies that must be addressed in Trip Reduction Plans, which must seek to achieve a vehicle ridership goal of 1.5 people per vehicle, are as follows:[20]

1. Offer parking cash out to employees if the employer subsidizes or provides free parking for employees

2. Install preferential parking spaces for carpools and bicycles where feasible

3. Distribute alternative transportation information to encourage employees to use alternative modes of transportation

4. Provide incentives that help reduce trips

5. Encourage new technologies that support trip reduction

6. Participation in groups such as a Transportation Management Organization

The Project would not conflict with existing alternative transportation facilities, such as public transit, bicycle, or pedestrian facilities. Therefore, the project would have a less than significant impact related to adopted policies or existing alternative transportation facilities.

[20] *West Hollywood General Plan 2035, Mobility chapter, pg. 6-20: http://www.weho.org/Modules/ShowDocument.aspx?documentid=7932*

| | Potentially Significant Impact | Potentially Significant Unless Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|---|---|---|---|
| **XVII. Utilities and Service Systems.** Would the project: | | | | |
| a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? | ☐ | ☐ | ☒ | ☐ |
| b. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? | ☐ | ☐ | ☒ | ☐ |
| c. Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? | ☐ | ☐ | ☒ | ☐ |
| d. Have sufficient water supplies available to serve the project from existing entitlements and resource, or are new or expanded entitlements needed? | ☐ | ☐ | ☒ | ☐ |
| e. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? | ☐ | ☐ | ☒ | ☐ |
| f. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? | ☐ | ☐ | ☒ | ☐ |
| g. Comply with federal, state, and local statutes and regulations related to solid waste? | ☐ | ☐ | ☒ | ☐ |

**Response a, b, d, e:**

*Wastewater:*

An estimate of the wastewater generation for the larger project previously analyzed as part of the certified EIR indicated that the impacts regarding wastewater would be less than significant. The increase in wastewater generation expected to occur with implementation of the larger project was estimated using wastewater generation factors from the Sanitation Districts of Los Angeles County.

The Hyperion Wastewater Treatment Plant, which ultimately treats the City's sewage, is operating at 100 million gpd below capacity. The projected net gpd of wastewater that would have been generated by the larger project represents 0.01% of the excess capacity. Therefore, sufficient treatment capacity at Hyperion exists to serve the proposed reduced project.

An increase above the set limits in the amount of sewage treated at Hyperion could result in the plant not being able to meet pollutant standards outlined in the NPDES permit issued by the RWQCB. Since there is sufficient treatment capacity at Hyperion to accommodate the wastewater discharged by the proposed project, the limit on the amount of sewage treated at Hyperion would not be exceeded. Therefore, the plant would be able to adequately treat project-generated sewage in addition to existing sewage, and the treatment requirements of the RWQCB would not be exceeded.

The wastewater treatment provider has adequate capacity to meet the anticipated project demand in addition to existing demand. In addition, no new wastewater treatment facilities or expansion of existing facilities would be necessary, and the wastewater treatment requirements of the RWQCB would not be violated. Therefore, impacts to wastewater treatment capacity would be less than significant.

According to the 7-day monitoring study conducted by RJR Engineering that is included in the certified EIR, the 8" vitrified clay pipe sewer lines were running at an average of 7% of maximum capacity at the Sunset Boulevard monitoring location and 12% of maximum capacity at the Olive Drive monitoring location. The maximum flow levels measured at the test locations were 14% of maximum capacity at the Sunset Boulevard location and 24% of maximum capacity at the Olive Drive location. The analysis for the larger project in the certified EIR indicates that adequate capacity is available in existing sewer lines in the project vicinity and that impacts would be less than significant. Therefore, the proposed reduced project's impact with respect to wastewater conveyance would also be less than significant.

*Water supply:*

An estimate of the wastewater generation for the larger project previously analyzed as part of the certified EIR indicated that the impacts regarding wastewater would be less than significant. Impacts to water supply were determined based upon information provided by the LADWP. According to LADWP, the LADWP has sufficient planned supplies available to meet the areas projected water demand. The larger project's water needs are accounted for within the UWMP planning period, for which there are sufficient planned supplies and impact would be less than significant. Therefore, impacts of the reduced project would also be less than significant.

**Response c:**

Stormwater runoff generated within the developed portion of the site drains generally via sheet flow from the building and concrete pathways south to Sunset Boulevard, where the flows are conveyed through gutters along the building frontage to the nearest storm drain facility. The existing slopes are relatively flat on the existing patio areas which are extensively cracked and worn. Local ponding may occur during low to moderate frequency storms.

The proposed project is considered a "priority project" as it meets one or more of the requirements set forth by the NPDES permit as found in the West Hollywood Municipal Code §15.56.090. Consequently, the applicant would be required to submit a stormwater mitigation plan that complies with the most recent Standard Urban Storm Water Mitigation Plan (SUSMP) and the current Municipal National Pollutant Discharge Elimination System (NPDES) Permit. The stormwater mitigation plan would be required to divert stormwater, incorporate elements to convey and treat stormwater runoff such as retention, infiltration and good housekeeping practices.

The City has also adopted a mandatory green building ordinance that became effective on October 1, 2007, and contains requirements for stormwater runoff control. The associated "WeHo Green Building Manual" describes how applicants for planning and building permits can comply with the City's Green Building Program.

Mandatory conformance to the City's Storm Drainage and Storm Water Runoff Ordinance (WHMC §19.20.190) and the City's Green Building Ordinance would reduce impacts related to erosion, sedimentation and siltation to a less than significant level.

**Response f and g:**

An estimate of the solid waste generation for the larger project previously analyzed as part of the certified EIR indicated that the impacts regarding solid waste would be less than significant. Solid waste generation was estimated using factors from the California Integrated Waste

Management Board (2004) and the Los Angeles County CEQA Thresholds Guide (2006). Solid waste collection service and disposal capacity already exist in the project area.

The proposed project has two components (construction and operation) that would result in the generation of solid waste. Construction of the proposed project would involve site preparation activities (e.g., demolition and building) that would generate waste materials. The project would require the demolition of approximately 6,460 square feet of building and associated structures. The handling of all debris and waste generated during construction would be subject to the City's and State's (AB 939) requirements for salvaging, recycling, and reuse of materials from demolition and construction activity on the project site. Section 19.20.060 of the City of West Hollywood's Municipal Code requires construction and demolition divert a minimum of 80% of the waste away from landfills. Since the disposal of this demolition debris would be a one-time occurrence and since the City is required to divert at least 80% of its waste from landfills, and given that the three landfills serving the City of West Hollywood have adequate capacity to accommodate the anticipated demolition debris, the impact of the demolition and construction phase of the project on solid waste services would be less than significant as long as the applicable ordinances are followed.

As indicated in the certified EIR, the larger project would have generated a net increase of 194 pounds per day (0.1 tons per day) of solid waste. Using the City's current diversion rate of 56%, approximately 85 pounds (0.04 tons) per day of project-generated solid waste would have been disposed of in local landfills. Solid waste would be disposed of at the Chiquita Canyon, Calabasas, or Puente Hills Landfill. However, due to its closer proximity, the landfill that would likely receive project solid waste would be the Puente Hills Landfill, which has a projected remaining capacity of 49.3 million cubic yards and has a daily permitted throughput of 13,200 tons per day (CIWMB, 2008). The net increase in solid waste generation would represent approximately 0.0003% of the daily permitted capacity ((0.04 tons/day) / (13,200 tons/day)). Therefore, adequate landfill capacity exists to accommodate solid waste from the proposed reduced project.

However, due to the declining capacity of the Puente Hills Landfill, the project must include measures to meet the City's 50% solid waste diversion goal as mandated by State law. In the absence of a specific solid waste diversion program for the project, attainment of the 50% diversion goal cannot be assured. Therefore, impacts would be potentially significant without mitigation.

In order to maintain the 50% solid waste diversion goal mandated by State law and reduce pressure on local landfills, the proposed project shall implement waste reduction, diversion, and recycling during both the demolition/construction and operational phases. As such, the following mitigation measures shall be required.

**PSU-1.** Solid Waste Reduction. The following measures shall be completed:

1. The trash and recyclables storage area shall be designed with adequate space to accommodate the trash & recycling bins and compactors. If

chutes will be installed, they shall be configured to accommodate trash and recyclables. Prior to issuance of Building Permits site plans shall be submitted to the Environmental Services Coordinator for review and approval which show the location and dimensions of the trash and recyclables storage areas.

2. To mitigate solid waste impacts, prior to issuance of the Certificate of Occupancy, trash and recycling operations shall be established in accordance with the following:

    1) Restaurants shall have a designated compactor or bin to dispose of food waste and other compostables.
    2) Restaurants and commercial uses shall have a designated compactor or bin to dispose or regular trash.
    3) Restaurants and commercial uses shall have a designated compactor or bin to dispose of recyclables.
    4) Landscape waste will have designated green waste bins.
    5) 100% of waste from trash compactors and bins shall be sent to the City's Franchise Waste Hauler's Materials Recovery Facility to divert additional recyclables from the waste stream.

3. Prior to issuance of the Demolition Permit, the applicant shall submit to the Environmental Services Coordinator a Demolition and Construction Debris Recycling Plan, which indicates where select demolition debris is to be sent for recycling. To the maximum extent possible, all demolition debris and construction waste must be recycled. The Plan will be subject to review and approval by the City. The plan shall list the material to be recycled and the name, address, and phone number of the facility or organization that will accept the materials. For a list of companies that accept demolition debris, contact Environmental Services at (323) 848-6404.

4. Demolition debris shall be hauled away only by a hauler permitted to operate in West Hollywood.

5. Prior to issuance of the Demolition Permit the applicant shall pay a deposit to the satisfaction of the City Engineer to fund City monitoring of the construction’s compliance with the approved Demolition and Construction Debris Recycling Plan.

6. Prior to issuance of the Certificate of Occupancy, the applicant shall submit to the Environmental Services Coordinator recycling manifests from all disposal sites, recycling sites and landfills that accepted demolition, excavation and/or general construction waste and recycled materials from this site.

| | Potentially Significant Impact | Potentially Significant Unless Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|---|---|---|---|
| **XVIII. Mandatory Findings Of Significance.** | | | | |
| a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? | ☐ | ☐ | ☐ | ☒ |
| b. Does the project have impacts which are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects). | ☐ | ☐ | ☒ | ☐ |
| c. Does the project have environmental effects which cause substantial adverse effects on human beings, either directly or indirectly? | ☐ | ☐ | ☐ | ☒ |

**Response a:**

The project is a commercial site that is developed in an urbanized setting that lacks native biological habitats. No officially designated historic or prehistoric resources would be affected by project implementation. The project is not located in a known wildlife or fish species habitat. The project does not have the potential to degrade the quality of the environment, substantially reduce the habitat of fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory. The project would have no impact related to this issue.

**Response b:**

A significant impact may occur if a project, in conjunction with other related projects in the area of the project site, would result in impacts that are less than significant when viewed separately, but would be significant when viewed together. The project would not combine with related projects to create a cumulatively significant impact in any of the environmental issue areas.

In particular, the project and any related projects are anticipated to comply with applicable federal, state, and city regulations that would preclude significant cumulative impacts regarding geology and soils, cultural resources, hazards and hazardous materials, hydrology and water quality, and transportation and traffic. These resource areas (geology and soils, cultural resources, hazards and hazardous materials, and hydrology) are site specific so that each related project would need to be evaluated within its own site-specific context.

*Aesthetics*

Regarding aesthetics, compliance with City design and land use standards would ensure that any cumulative impacts related to aesthetics would be less than significant. Further, related projects would be individually evaluated for consistency with applicable urban design and land use standards. Aesthetics is a subjective resource area in which each project must be analyzed within its own local setting to determine whether visual character of a site is affected. In addition, the project would not combine with other related projects to block significant viewsheds in the project vicinity. Therefore the project's contribution to cumulative aesthetic impacts would not be cumulatively considerable.

*Air Quality*

Regarding air quality, the SCAQMD's recommended approach to determining the significance of cumulative air quality impacts for criteria air pollutants is to first determine whether or not the proposed project would result in a significant project-level impact to regional air quality based on SCAQMD significance thresholds. If the project impact would not exceed SCAQMD thresholds, then the lead agency needs to consider the additive effects of related projects only if the proposed project is part of an ongoing regulatory program or is contemplated in a program EIR and the related projects are located within an approximately one mile of the project site. If there are related projects within the vicinity (one-mile radius) of the project site that are part of an ongoing regulatory program or are contemplated in a Program EIR, then the additive effect of the related projects should be considered.

The proposed project is not part of an ongoing regulatory program; therefore, the SCAQMD recommends that project specific air quality impacts be used to determine the potential cumulative impacts to regional air quality. As discussed in Section III above, daily emissions of construction-related pollutants would not exceed SCAQMD significance thresholds with

implementation of mitigation. The proposed project would result in an increase in daily operational emissions; however, this increase would not exceed the SCAQMD thresholds.

By applying the SCAQMD cumulative air quality impact methodology, implementation of the proposed project would not result in an addition of criteria pollutants such that cumulative impacts, in conjunction with related projects, would occur. Because the proposed project would not generate emissions that exceed the SCAQMD's thresholds and the project is consistent with the AQMP, the project would not make a cumulatively considerable contribution with regard to criteria pollutants. Therefore the project's contribution to cumulative regional air quality impacts would not be cumulatively considerable.

*Geology and Soils*

Proposed development, in conjunction with other cumulative projects proposed in the City of West Hollywood, would expose additional people and property to seismically related hazards that are present throughout the region. Cumulative impacts related to slope stability, destabilization of hillsides due to excavation, landsliding, seismically induced ground shaking, liquefaction, soil settlement and expansive soils would be similar to what is described for project-specific impacts, and would be addressed on a project-by-project basis through compliance with existing building codes and any site-specific mitigation measures for individual projects. Therefore the project's contribution to cumulative geology and soils impacts would not be cumulatively considerable.

*Greenhouse Gas Emissions*

As discussed in the certified EIR, CAPCOA (January 2008) provides several approaches to consider potential cumulative significance of projects with respect to GHGs. A zero threshold approach can be considered based on the concept that climate change is a global phenomenon in that all GHG emissions generated throughout the earth contribute to it, and not controlling small source emissions would potentially neglect a major portion of the GHG inventory.

However, the California Environmental Quality Act (CEQA) Guidelines also recognize that there may be a point where a project's contribution, although above zero, would not be a considerable contribution to the cumulative impact (CEQA Guidelines, Section 15130 (a)). Therefore, a threshold of greater than zero is considered more appropriate for the analysis of GHG emissions under CEQA.

It should also be noted that because the proposed project would be infill development, which results in intensification and reuse of already developed lands as opposed to low density development on undeveloped lands, it would reduce reliance on the drive-alone automobile. As the City of West Hollywood is generally built out, most development within the City is infill and

would generally be expected to reduce VMT and reliance on the drive-alone automobile. A reduction in vehicle use and vehicle miles traveled can result in a reduction in fuel consumption and in air pollutant emissions, including GHG emissions. Recent research indicates that infill development reduces VMT and associated air pollutant emissions, as compared to development on sites at the periphery of metropolitan areas, also known as "greenfield" sites. For example, a 1999 simulation study conducted for the U.S. Environmental Protection Agency (EPA), comparing infill development to greenfield development, found that infill development results in substantially fewer VMT per capita (39% to 52%) and generates fewer emissions of most air pollutants and greenhouse gases. Table 5-6 in the certified EIR shows the results of the EPA study.

CAPCOA's suggested quantitative thresholds are generally more applicable to development on greenfield sites, where there would be an increase in VMT and associated GHG emissions than to infill development that would generally reduce regional VMT and associated emissions. For this reason, the most conservative (i.e., lowest) thresholds, suggested by CAPCOA, would not be appropriate for the proposed project, given that it is located in a community that is highly urbanized and built out. Consequently, the second lowest threshold of 10,000 CDE/year has been used as a quantitative benchmark for significance and qualitative consideration of the California Environmental Protection Agency's (CalEPA) GHG emissions reduction strategies that were prepared by CalEPA's Climate Action Team (CAT) established by Executive Order S-3-05 for projects below 10,000 tons CDE/year. The CAT strategies are recommended to reduce GHG emissions at a statewide level to meet the goals of the Executive Order S-3-05 (http://www.climatechange.ca.gov). A project's contribution to cumulative impacts to global climate change is considered cumulatively considerable, if the project would generate 10,000 tons CDE/year. For projects that would generate fewer than 10,000 tons CDE/year, the impact would be considered cumulatively considerable if the project would be inconsistent with one or more of the CAT's GHG reduction strategies.

As indicated above, CDE emissions, associated with the larger project, would be less than 10,000 tons/year. Therefore, the proposed reduced project's impact would also be less than 10,000 tons/year. As indicated in the certified EIR, the larger project would be consistent with the GHG reduction strategies set forth by the 2006 CAT Report and the 2008 Attorney General's Greenhouse Reduction Report. The proposed reduced project would also be consistent with those reduction strategies. In addition, the Green Building standards of Municipal Code Section 19.20.060, which were established to conserve natural resources, increase energy efficiency, and improve indoor air quality, would be incorporated into the project. The Green Building Ordinance requires that measures are implemented for the diversion of solid waste, use of renewable resources, water saving features transportation demand management. Therefore, the project's contribution to cumulative GHG emissions and climate change would not be cumulatively considerable.

*Hazards & Hazardous Materials*

Cumulative development in West Hollywood will have the potential to expose future area residents, employees, and visitors to chemical hazards by developing and redeveloping areas that may have previously been contaminated. The magnitude of hazards for individual projects would depend upon the location, type, and size of development and the specific hazards associated with individual sites. Therefore, hazard evaluations would need to be completed on a case-by-case basis. If lead and asbestos are found to be present in buildings planned for demolition or renovation, or in the case that soil and groundwater contamination were found to be present on sites of planned and future development, these conditions would require appropriate mitigation and compliance with existing applicable local, state and federal regulations. Compliance with applicable regulations and implementation of appropriate mitigation measures, including remedial action on contaminated sites, would avoid potential cumulatively significant hazards and hazardous materials impacts associated with cumulative development in the City. Therefore the project's contribution to cumulative hazards and hazardous materials impacts would not be cumulatively considerable.

*Hydrology and Water Quality*

Planned and pending development in the general vicinity could increase impermeable surface area, thereby potentially increasing peak flood flows and overall runoff volumes. However, with implementation of Mitigation Measure HWQ-2, the post development peak discharges would be mitigated and reduced to at or below to the existing development peak discharge rates for the project site. In addition, the City of West Hollywood requires that all projects comply with the Green Building Ordinance (#07-769), the Storm Water Management and Discharge Control Ordinance (WHMC §15.56) and the Storm Drainage and Storm Water Runoff Ordinance (WHMC §19.20.190), all of which reduce adverse effects to stormwater runoff. Consequently, the project would not contribute to any potential cumulative increases in peak runoff or associated flooding impacts.

With respect to surface water quality, construction activity associated with cumulative development would increase sedimentation due to grading and construction activities. In addition, new development would increase the generation of urban pollutants that may adversely affect water quality in the long term. However, like the proposed project, all future development would be subject to implementation of appropriate Best Management Practices in accordance with City, State and Federal requirements. Furthermore, all qualifying projects are subject to the requirements of the NPDES Permit and the SUSMP, which are specifically designed to develop, achieve, and implement a timely, comprehensive, and cost-effective stormwater pollution control program. The ultimate goal is to reduce pollutants in stormwater discharges to the Maximum Extent Practicable (MEP). Thus, implementation of applicable requirements on all development in the area would reduce cumulative impacts to a less than significant level. As discussed above, the project's contribution to increased pollutant loads in

area surface water would be less than significant and thus would not be cumulatively considerable. Therefore the project's contribution to hydrology and water quality impacts would not be cumulatively considerable.

*Land Use*

Planned and pending development, including the proposed project, would contribute to a more urban environment throughout West Hollywood and adjacent communities. However, it is anticipated that all development would comply with applicable provisions of the West Hollywood General Plan or other governing land use policies. As such, cumulative impacts relating to inconsistencies with applicable environmental policies are not anticipated. Regardless, the proposed project is consistent with applicable provision of the West Hollywood General Plan and other policy documents and, therefore, would not contribute to any cumulative impacts relating to land use and planning. Therefore the project's contribution to land use impacts would not be cumulatively considerable.

*Noise*

The proposed project and related projects in the area would generate temporary noise during construction. As discussed in Section XII above, impacts related to noise generated by construction of the proposed project would be less than significant. Construction activities on the related projects in the area would generate similar noise levels as the proposed project. Construction noise is localized and rapidly attenuates within an urban environment. Related projects outside the immediate site vicinity are located too far from the project site to contribute to increases in ambient noise levels associated with construction in the project area. Therefore, cumulative construction noise impacts would be less than significant.

Traffic noise impacts associated with cumulative development within the City would incrementally increase noise levels along roadways and could potentially subject sensitive receptors to noise exceeding City standards. Cumulative development has the potential to increase roadway generated noise throughout the City. As indicated in the certified EIR for the larger project, noise levels at the intersection of Miller Drive/Sunset Boulevard/La Cienega Boulevard are estimated to increase from 1.1 to 1.2 dB at the modeled receptors due to cumulative development. Increases would be less than 1.5 dB which is a less than significant cumulative impact. Therefore, cumulative impacts of the proposed reduced project would also not be significant.

Cumulative development would result in stationary (non-traffic) operational noise increases in the project vicinity. Impacts from the proposed project's operational noise would be less than significant. Additionally, based on the fact that noise dissipates as it travels away from its source, noise impacts from onsite activities and other stationary sources would be limited to the project site and vicinity. Thus, cumulative operational (non-traffic) noise impacts from related

projects, in conjunction with project-specific noise impacts, would not have the potential to result in cumulatively considerable adverse effects. Therefore the project's contribution to noise impacts would not be cumulatively considerable.

*Population and Housing*

The proposed project, in combination with other development in and around the City, would continue to alter the demographic character of the area. It is unlikely, due to current market conditions, that housing or employment will grow at a rate that would substantially alter the jobs/housing ratio. Furthermore, development of the proposed project would not facilitate changes that would exceed SCAG projections for population, housing, or employment, either individually or an a cumulative basis. Cumulative impacts relating to population and housing would not be significant.

*Public Services and Utilities*

Fire Protection. The increase in population and structural development from the implementation of the planned and pending projects would increase demand for fire protection service. This could create the need for additional firefighting personnel. However, because all development in and around West Hollywood would be within the service areas of existing fire stations, new facilities would not be needed. Therefore, no significant cumulative impacts would occur.

Police Services. The proposed cumulative development would add non-residential development that would require additional police services. However, all development projects in Los Angeles County are subject to review and approval by the respective Sheriff's department, which requires that, among other conditions, adequate site exits and access to emergency vehicles are provided, and that staff and equipment levels are sufficient to serve the additional cumulative development. Given that the proposed project and related cumulative projects would be required to provide adequate emergency vehicle access, cumulative development would not adversely affect or prevent implementation of any emergency response or evacuation plans. Other potential impacts associated with cumulative development may include new or expanded facilities, providing additional staff, officers, facilities, or equipment as necessary to maintain service levels. However, it is anticipated that each respective jurisdiction's local law enforcement agency would assess the incremental impact to police services resulting from cumulative development within each service area. As such, cumulative impacts related to police services would be less than significant.

Water Supply. LADWP has indicated that they have adequate water supplies to accommodate cumulative growth through the year 2030 (see LADWP, 2005 UWMP in certified EIR). Therefore, cumulative impacts would be less than significant.

Wastewater Treatment and Conveyance. As indicated in the certified EIR, the wastewater generated by cumulative development would represent a small percentage of the HTP's current daily available treatment capacity of 100 mgd. Regardless of cumulative impacts from potential future facilities or facility expansions, the larger project's contributions to such impacts would not be cumulatively considerable given the broad service area and the 100 mgd capacity of the HTP; the impacts of the proposed reduced project would be even less. Therefore, available capacity exists and impacts would not be cumulatively considerable.

Implementation of cumulative projects within the City and surrounding areas has the potential to result in impacts to sewage conveyance. Sewage conveyance lines with little remaining capacity may become overburdened with sewage flows and would not properly convey sewage, resulting in the need for additional lines or upgrades. As indicated in the certified EIR, the sewage lines that would serve the proposed project are operating within their designed capacity and have adequate capacity to serve future projects within the area. Further, planned and pending projects would be required to perform a sewer analysis on a case by case basis to ensure that there is adequate capacity in existing sewage lines to serve new development.

Solid Waste. As indicated in the certified EIR, remaining landfill capacity in Los Angeles County is approximately 274 million cubic yards, or 64% of the total permitted capacity. Based on the total permitted disposal tonnage of 53,140 tons per day (or 318,840 tons per week, assuming 6 days per week of landfill operation), as well as a conversion factor of 700 pounds per cubic yard of compacted mixed solid waste (EPA, 1994), the overall remaining landfill capacity in Los Angeles County would last for approximately six years without new landfills or further expansion of existing landfills. The Puente Hills Landfill, which serves the City of West Hollywood, is expected to close in the year 2013. However, per conversations with landfill staff, the landfills do not receive the maximum permitted capacity every day – i.e., average daily throughput is lower than maximum daily throughput – and are expected to operate between 30 and 60 years (personal communication with Diego Clare, Environmental Specialist; Steve Amroman, Environmental Manager; Nicole Stetson, Environmental Protection Specialist, 2008).

Because of City requirements regarding waste reduction, and the requirements of AB 939 for all jurisdictions in California, the proposed project and cumulative projects would be required to provide adequate areas for collecting and loading recyclable materials in concert with countywide efforts and programs to reduce the volume of solid waste entering landfills by 50%. Therefore, the projected life of Los Angeles County landfills is realistically greater than projected. It can be assumed that new development would meet the 50% diversion requirements and would divert approximately 19,295 tons per year, or about 61 tons per day (based on landfill operations open 6 days per week).

Additionally, development that would occur within the Cities of West Hollywood and Beverly Hills would be subject to their respective municipal codes which contain construction phase diversion and recycling programs, which would further reduce cumulative impacts to area landfills.

Therefore the project's contribution to public services and utilities would not be cumulatively considerable.

*Recreation*

Projected planned and pending development in the City would add new residents and workers to the existing population in West Hollywood. The cumulative increase in population would increase the demand for parks and recreational facilities. This increase in population would be served by parks within the cities of Los Angeles, Beverly Hills and West Hollywood. Parks located within these cities include, but are not limited to, Griffith Park, Elysian Park and Pan Pacific Park. However, all new developments are either required to provide onsite park facilities or pay in-lieu fees to offset this increase. With the collection of required fees to provide needed new facilities and the implementation of new facilities to serve this new demand, cumulative impacts to parks and recreation would be less than significant.

*Transportation/Circulation*

Cumulative impacts occur when the impacts of a project combine with impacts of planned, pending, and future projects in an area. Planned and pending projects in the immediate vicinity of the project site include, but are not limited to, the condominium project at 8760 Sunset Boulevard, the retail/restaurant project at 8305 Sunset Boulevard and the mixed use (hotel/residential/commercial/entertainment) project at 8418 Sunset Boulevard. During construction of planned and pending projects, construction activities and the associated truck trips and worker trips could temporarily interrupt the local roadway system. However, the City of West Hollywood's plan check process includes the requirement for implementing a construction period mitigation plan. All planned and pending projects would be required to implement a construction period mitigation plan.

With implementation of the mandatory construction period mitigation plans on all projects, no cumulatively significant impacts to the local roadway system due to construction of planned and pending projects is anticipated. As discussed in Section XVI above, construction of the proposed project may temporarily interrupt the local roadway system; however, with implementation of Mitigation Measure T-1, impacts would be less than significant. Therefore, the project's contribution to any cumulative impact would not be cumulatively considerable.

The project would result in a net increase of weekday average daily trips. This increase in vehicle trips would incrementally increase traffic levels at study intersections and would create a potentially significant project impact at the intersection of La Cienega Boulevard and Sunset Boulevard. However, implementation of Mitigation Measure T-2 would reduce the project's impact to the LOS at the intersection of La Cienega Boulevard and Sunset Boulevard to a less than significant level. Therefore, because the project's impacts to the LOS at study area

intersections would be less than significant, the project's contribution to any cumulative impact would not be cumulatively considerable.

Planned and pending projects will incrementally increase traffic on the regional roadway system. However, future projects will be required to comply with the County of Los Angeles Congestion Management Program (CMP). The purpose of the CMP is to identify projects that would contribute to regional cumulative traffic impacts. Projects that exceed CMP thresholds could be considered to have a cumulatively considerable contribution. Therefore, because traffic generated by the proposed project would not exceed CMP thresholds, the project would not have a cumulatively considerable impact.

Planned and pending projects may increase the demand for parking in the City of West Hollywood. However, future development projects will be required to meet City parking requirements. No cumulative parking impacts are anticipated. The proposed 105 parking spaces that would be provided as part of the project would exceed City parking requirements by seven spaces. Therefore, implementation of the project would not cause the parking availability to drop below City requirements. Therefore, the project would not have a cumulatively considerable parking impact.

In summary, the proposed project will not have a cumulatively considerable impact as its cumulative impacts are considered less than significant.

**Response c:**

The project involves the construction of a mixed use project with 4,528 sf of retail, 11 units of residential condominiums and 6,712 sf of quality restaurant uses. The project would not adversely affect human beings by its nature or use, directly or indirectly. The project would have no impact related to this issue.