

VII. Effects Found Not To Be Significant



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1. Introduction

This section of the Draft EIR addresses potential environmental resources for which the proposed Project would not result in significant impacts related to the environmental topics listed below. California Public Resources Code Section 21003(f) states:

...it is the policy of the State that...all persons and public agencies involved in the environmental review process be responsible for carrying out the process in the most efficient, expeditious manner in order to conserve the available financial, governmental, physical, and social resources with the objective that those resources may be better applied towards the mitigation of actual significant effects on the environment.

As the Lead Agency, the City of West Hollywood (City) has determined that the proposed Project would not result in potentially significant impacts in the impact categories listed below and that no further analysis of these impact categories is required beyond the discussion presented below. Pursuant to Section 15128 of the State CEQA Guidelines:

An EIR shall contain a statement briefly indicating the reasons that various possible significant effects of a project were determined not to be significant and were therefore not discussed in detail in the EIR.

2. Effects Found Not To Be Significant

It has been determined that there is no substantial evidence that the proposed Project could result in significant environmental impacts in the following areas:

- Aesthetics—*Scenic Highways*
- Agricultural Resources
- Air Quality—*Odor*
- Biological Resources

- Cultural Resources
- Geology and Soils—*Septic Tanks*
- Hazards and Hazardous Materials—*Airport*
- Hydrology and Water Quality—Groundwater Recharge, Flooding, and Inundation
- Land Use and Planning—*Community Division and Conservation Plans*
- Mineral Resources
- Noise—*Airport*
- Population and Housing
- Public Services—*Schools, Parks, and Other Public Facilities*
- Recreation
- Transportation and Traffic—*Design Feature Hazards*
- Utilities and Service Systems—*Compliance with Solid Waste Regulations*

a. Aesthetics

Question b) Would the project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

No Impact. There are no designated state scenic highways or eligible state scenic highways within the City of West Hollywood.¹ In addition, the Project Site is fully developed with commercial uses, parking, and landscaping. Furthermore, there are no unique geologic or topographic features located on the Project Site, such as hilltops, ridges, ravines, rock outcrops, water bodies, streambeds, or wetlands. In addition, the existing commercial structure is not considered a scenic resource. As such, no impacts associated with scenic resources within a City-designated scenic highway would occur as a result of the proposed Project, and no further analysis of this topic is required.

¹ *City of West Hollywood, Final Program Environmental Impact Report City of West Hollywood General Plan and Climate Action Plan, October 2010.*

b. Agricultural Resources

Question a) Would the project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

No Impact. The Project Site is located in an urbanized area and is developed with commercial uses and parking. No agricultural uses or operations occur on-site. In addition, the Project Site and surrounding area are not mapped as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency.² As such, the proposed Project would not convert farmland to non-agricultural use. Therefore, no impacts to Prime Farmland, Unique Farmland, or Farmland of Statewide Importance would occur, and no further analysis of this topic is required.

Question b) Would the project conflict with existing zoning for agricultural use, or a Williamson Act contract?

No Impact. The northern portion of the Project Site is currently zoned as part of the Sunset Specific Plan (SSP), and the southern portion is Multi-family High Density Residential (R4B) and Parking Overlay (PK). No agricultural zoning is present or proposed in the surrounding area. The Project Site and surrounding area are not enrolled under a Williamson Act Contract.³ Accordingly, the proposed Project would not conflict with any zoning for agricultural uses or a Williamson Act contract. Therefore, no impacts to agricultural use or a Williamson Act contract would occur, and no further analysis of this topic is required.

Question c) Would the project conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?

No Impact. The northern portion of the Project Site is currently zoned as part of the Sunset Specific Plan (SSP), and the southern portion is Multi-family High Density

² California Department of Conservation, California Important Farmland Finder, <http://maps.conservation.ca.gov/ciff/ciff.html>, accessed April 12, 2016.

³ California Department of Conservation, Division of Land Resource Protection, Los Angeles County Williamson Act FY 2015/2016, 2016.

Residential (R4B) and Parking Overlay (PK). No forest land or timberland is located on-site or within the immediate area. Therefore, no impacts to forest land or timberland would occur as a result of the proposed Project, and no further analysis of this topic is required.

Question d) Would the project result in the loss of forest land or conversion of forest land to non-forest use?

No Impact. The Project Site is located in an urbanized area of West Hollywood and is fully developed with commercial uses and parking. Additionally, as noted above, no forest land is located in the vicinity. Therefore, no impacts to forest land would occur as a result of the proposed Project, and no further analysis of this topic is required.

Question e) Would the project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?

No Impact. As described above, the Project Site is located within an urbanized area. The Project Site and surrounding area are not mapped as farmland, are not zoned for farmland or agricultural use, and do not contain any agricultural uses. As such, the proposed Project would not result in the conversion of farmland to non-agricultural use. Therefore, no impacts to farmland or forest land would occur, and no further analysis of this topic is required.

c. Air Quality

Question e) Would the project create objectionable odors affecting a substantial number of people?

Less Than Significant Impact. Construction operations, including asphalt paving operations, may produce perceptible odors. Dust and diesel odors are typical near construction sites. Large diesel-powered vehicles are frequently present during construction activities. Diesel exhaust from vehicles is not typically a health concern unless vehicles operate or idle in close proximity to structural air intakes, pedestrian areas, or sensitive receptors. The operation of diesel-powered construction equipment could generate nuisance diesel odors at nearby receptors.

In accordance with Sections 2485 in Title 13 of the California Code of Regulations (CCR), the idling of all diesel-fueled commercial vehicles (weighing over 10,000 pounds) during construction shall be limited to five minutes at any location. With regard to the

operation of any stationary, diesel-fueled, compression-ignition engines, Section 93115 in Title 17 of the CCR specifies fuel and fuel additive requirements and emission standards.⁴ Compliance with these requirements would minimize the potential nuisance of diesel odors during construction to a less-than-significant level.

Other potential sources that may emit odors during construction activities include the use of architectural coatings and solvents. SCAQMD Rule 1113 limits the amount of volatile organic compound (VOC) content from architectural coatings and solvents. As a result of the Applicant's mandatory compliance with applicable SCAQMD rules and regulations and the CCR, construction activities and materials would result in less-than-significant impacts with regard to odors that affect a substantial number of people.

According to the SCAQMD *CEQA Air Quality Handbook*, land uses associated with odor complaints typically include agricultural uses, wastewater treatment plants, food processing plants, chemical plants, composting, refineries, landfills, dairies, and fiberglass molding. The proposed Project would not involve these types of uses. On-site trash receptacles used by the proposed Project would have the potential to create odors. However, as trash receptacles would be contained, located, and maintained in a manner that promotes odor control, no substantially adverse odor impacts are anticipated. Therefore, impacts related to odors would be less than significant, and no further analysis of this topic is required.

d. Biological Resources

Question a) Would the project have a substantial adverse effect, either directly or indirectly through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

Less Than Significant Impact. The Project Site is located in an urbanized area and is fully developed with commercial uses and parking with limited ornamental landscaping. Due to the developed nature of the Project area, species likely to occur on-

⁴ The CARB adopts airborne toxic control measures (ATCMs) to reduce emissions of toxic air contaminants (TACs). On February 26, 2004, the California Air Resources Board adopted an ATCM for stationary compression-ignition (CI) engines (17 CCR 93115) to control diesel particulate matter (PM), which was declared a TAC in 1998. The ATCM applies to all stationary diesel-fueled engines greater than 50 brake-horsepower installed before January 1, 2005, and all new stationary diesel engines installed on or after January 1, 2005. The purpose of this ATCM is to protect public health by reducing emissions of diesel PM, with a goal of reducing overall diesel PM in 2020 from this source category by 80 percent from 2002 baseline emissions.

site are limited to small terrestrial and avian species typically found in developed settings. Therefore, the proposed Project would not 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 Wildlife or U.S. Fish and Wildlife Service. Impacts to candidate, sensitive, or special status species would be less than significant, and no further analysis of this topic is required.

Question b) Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or the U.S. Fish and Wildlife Service?

No Impact. The Project Site is located in an urbanized area and is developed with commercial uses and parking. No riparian or other sensitive natural community exists on the Project Site or is known to occur in the City of West Hollywood.⁵ Therefore, no impacts to riparian habitat or other sensitive natural community would occur as a result of the proposed Project, and no further analysis of this topic is required.

Question c) Would the project 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?

No Impact. The Project Site is located in an urbanized area and is developed with commercial uses and parking. No water bodies or federally protected wetlands as defined by Section 404 of the Clean Water Act exist on the Project Site or in the vicinity. As such, no impacts to federally protected wetlands would occur as a result of the proposed Project, and no further analysis of this topic is required.

Question d) Would the project 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?

Less Than Significant Impact. As discussed above, the Project Site is located in an urbanized area and is developed with commercial uses and parking with limited ornamental landscaping. There are no established native resident or migratory wildlife

⁵ *City of West Hollywood, Final Program Environmental Impact Report City of West Hollywood General Plan and Climate Action Plan, October 2010.*

corridors on the Project Site or in the vicinity. Specifically, the City of West Hollywood is not recognized as an existing or proposed Significant Ecological Area that links migratory wildlife populations as designated by Los Angeles County.⁶ Accordingly, development of the proposed Project would not significantly impact any regional wildlife corridors or native wildlife nursery sites. Furthermore, no water bodies that could serve as habitat for fish exist on the Project Site or in the vicinity.

Although unlikely, the ornamental landscaping could potentially provide nesting sites for migratory birds. Removal of existing landscaping would comply with the Migratory Bird Treaty Act (MBTA), which regulates vegetation removal during the nesting season to ensure that significant impacts to migratory birds would not occur. In accordance with the MBTA, Project efforts would be made to schedule landscape removal between September 1 and February 14 to avoid the nesting season. If activities were to occur during the nesting season, all suitable habitats would be thoroughly surveyed for the presence of nesting birds by a qualified biologist prior to removal. If any active nests were detected, the area will be flagged, along with a minimum 50-foot buffer (this buffer may range between 50 and 300 feet, as determined by the monitoring biologist), and would be avoided until the nesting cycle has completed or the monitoring biologist determines that the nest has failed. Through compliance with this existing regulatory requirement, impacts would be less than significant.

Question e) Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

No Impact. The City of West Hollywood does not currently have any policies or ordinances protecting biological resources. However, the City has adopted a Heritage Tree Program to help identify, promote awareness, maintain, designate, and protect heritage trees located within the City.⁷ Any protected heritage tree would require specific approval for any act that may result in its damage or removal. The City has designated four trees within the City as heritage trees.⁸ None of these trees are located in the immediate vicinity of the Project Site; all four trees are located between 0.8 mile and 1.8 miles east of the Project Site. Therefore, no conflicts with any local policies or ordinance would occur as a result of the proposed Project, and no further analysis of this topic is required.

⁶ *City of West Hollywood, Final Program Environmental Impact Report City of West Hollywood General Plan and Climate Action Plan, October 2010.*

⁷ *City of West Hollywood, Heritage Tree Program.*

⁸ *City of West Hollywood, Heritage Tree Program.*

Question f) Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

No Impact. The Project Site is located in an urbanized area and is developed with commercial uses and parking with limited ornamental landscaping. As such, the Project Site does not support any habitat or natural community. Additionally, the City does not currently have Habitat Conservation Plans, Natural Community Conservation Plans, or other approved local, regional, or state habitat conservation plans.⁹ Therefore, no impacts would occur as a result of the proposed Project, and no further analysis of this topic is required.

e. Cultural Resources

Question a) Would the project cause a substantial adverse change in significance of a historical resource as defined in State CEQA §15064.5?

No Impact. Section 15064.5 of the CEQA Guidelines generally defines a historic resource as a resource that is (1) listed in, or determined to be eligible for listing in the California Register of Historical Resources (California Register); (2) included in a local register of historical resources (pursuant to Section 5020.1(k) of the Public Resources Code); or (3) identified as significant in an historical resources survey (meeting the criteria in Section 5024.1(g) of the Public Resources Code). Additionally, any object, building, structure, site, area, place, record, or manuscript, which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California, may be considered to be an historical resource, provided the lead agency's determination is supported by substantial evidence in light of the whole record. Generally, a resource shall be considered by the lead agency to be "historically significant" if the resource meets the criteria for listing on the California Register. The California Register automatically includes all properties in California listed in the National Register of Historic Places (National Register) and those formally determined to be eligible for listing in the National Register.

The Project Site includes a two-story commercial structure built in 1988, which would be removed with implementation of the Project. Given its age, this structure is not considered to be an historic resource. In addition, the Project Site has not been identified in the City's draft Commercial Historic Resources Survey, which is expected to be

⁹ *City of West Hollywood, Final Program Environmental Impact Report City of West Hollywood General Plan and Climate Action Plan, October 2010.*

considered by the City Council for adoption.¹⁰ Furthermore, a records search was conducted for the Project area by the South Central Coastal Information Center (SCCIC) at California State University, Fullerton to identify previously recorded prehistoric and historic resources in and around the Project Site. The records search includes a review of the California Points of Historical Interest, California Historical Landmarks, California Register of Historical Resources (California Register), National Register of Historic Places (National Register), California State Historic Resources Inventory, and City of West Hollywood list of historic and cultural resources. The records search indicates that there are no historic resources located on-site. According to the records search, the Project Site is located within the boundaries of a potential historic district on Sunset Boulevard. However, the Project Site was not listed as a contributor to the district, and the historic district itself was never listed under the City's historic preservation ordinance.¹¹ The closest identified historic resources are as follows:

- Three-story Streamline Moderne commercial building located at 8947 Sunset Boulevard, just northwest (approximately 50 feet) of the Project Site across Sunset Boulevard;
- Whisky A Go Go located at 8901 Sunset Boulevard, northeast (approximately 150 feet) of the Project Site across Sunset Boulevard;
- Crosby Building, which is a Moderne, Colonial Revival building, located at 9028 Sunset Boulevard, 1.5 blocks west (approximately 600 feet) of the Project Site;
- The Roxy Theatre located at 9009 Sunset Boulevard, northwest (approximately 380 feet) of the Project Site across Sunset Boulevard;
- Rainbow Grill, which is a Tudor Revival building, located at 9015 Sunset Boulevard, northwest (approximately 500 feet) of the Project Site across Sunset Boulevard; and
- Tudor Revival cottages located at 1000 Larrabee Street, just south of Sunset Boulevard and two blocks east (approximately 600 feet) of the Project Site.

According to the City's draft Commercial Historic Resources Survey, the first three properties listed above appear eligible for listing in the National Register, California Register or for local listing. The Roxy Theatre and the Rainbow Grill appear eligible for

¹⁰ *GPA Consulting, Inc. and City of West Hollywood Community Development Department, City of West Hollywood Commercial Historic Resources Survey, September 2016.*

¹¹ *Email correspondence with SCCIC and Teresa Grimes (GPA Consulting), July 6–8, 2016.*

listing in the California Register or for local listing.¹² The Tudor Revival cottages are currently designated at the local level as a West Hollywood Cultural Resource.¹³ Due to the distance between the Project Site and these resources, as well as intervening development or street (i.e., Sunset Boulevard), no impacts to historic resources would occur as a result of the proposed Project, and no further analysis of this topic is required.

Question b) Would the project cause a substantial adverse change in significance of an archaeological resource pursuant to State CEQA §15064.5?

Less Than Significant Impact. Section 15064.5(a)(3)(D) of the CEQA Guidelines generally defines archaeological resources as any resource that “has yielded, or may be likely to yield, information important in prehistory or history.” Archaeological resources are features, such as tools, utensils, carvings, fabric, building foundations, etc., that document evidence of past human endeavors and that may be historically or culturally important to a significant earlier community. The Project Site is located within an urbanized area of the City of West Hollywood and has been subject to disturbance and excavation in the past. Any archaeological resources that may have existed near the surface of the Project Site are likely to have been disturbed or previously removed during the construction of the two levels, and a partial level of subterranean parking currently existing on-site. Furthermore, the records search conducted for the Project Site by SCCIC indicates that there are no known archaeological sites or isolates located on-site.¹⁴ However, in the event that any archaeological materials are unexpectedly encountered during construction, work in the area would cease and deposits would be required to comply with the regulatory standards set forth in Section 21083.2 of the California Public Resources Code (PRC) and Section 15064.5(c) of the CEQA Guidelines, including a determination of whether any such potential unique archaeological resource would be preserved in place or left in an undisturbed state. Therefore, as compliance with the regulatory standards in Section 21083.2 and Section 15064.5(c) would ensure the appropriate treatment of any potential unique archaeological resources unexpectedly encountered during grading and excavation activities, the proposed Project's impact on archaeological resources would be less than significant, and no further analysis of this topic is required.

¹² *GPA Consulting, Inc. and City of West Hollywood Community Development Department, City of West Hollywood Commercial Historic Resources Survey, September 2016.*

¹³ *City of West Hollywood, West Hollywood Historic Preservation, Historic Architecture Survey Database, 1000 N. Larrabee Street, accessed June 13, 2017.*

¹⁴ *South Central Coastal Information Center (SCCIC), California State University, Fullerton, California Historical Resources Information System (CHRIS), Cultural/Archaeological Resources Records Search for the Arts Club Project, City of West Hollywood, California, May 20, 2016.*

Question c) Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

Less Than Significant. Paleontological resources are the fossilized remains of organisms that have lived in a region in the geologic past and whose remains are found in the accompanying geologic strata. This type of fossil record represents the primary source of information on ancient life forms, since the majority of species that have existed on earth from this era are extinct.

According to the *City of West Hollywood General Plan Final EIR*, paleontological resources have been identified at several locations near the City at depths as shallow as 10 feet below the ground surface. The closest one is a vertebrate fossil locality uncovered during excavations for the Los Angeles Department of Water and Power's Hollyhills Drain Project, located approximately 0.8 mile southeast of the Project Site near the intersection of Rosewood Avenue and Westbourne Drive, which produced a horse (*Equus*) specimen at an unknown depth.¹⁵

As described above, subsurface conditions were previously disturbed during past development activity on the Project Site, and there is no record of fossil localities or any items of paleontological significance being recovered at the Project Site or in the immediate vicinity. However, in the unlikely event that paleontological resources are uncovered during construction, the proposed Project would be required to adhere to the requirements of the City's General Plan EIR Mitigation Measure 3.10-1, which requires the construction crew to immediately cease work in the vicinity of the find and notify the City. The Applicant would then be required to retain a qualified paleontologist to evaluate the resource and prepare a recovery plan in accordance with Society of Vertebrate Paleontology guidelines. Recommendations in the recovery plan that are determined by the City to be necessary and feasible shall be implemented before construction activities would be permitted to resume. Therefore, with compliance with the requirements of the City's General Plan (i.e., General Plan EIR Mitigation Measure 3.10-1), the proposed Project's impacts on any previously undiscovered paleontological resources would be less than significant, and no further analysis of this topic is required.

The Project Site does not include any known unique geologic features. In addition, no unique geologic features are anticipated to be encountered during construction of the proposed Project. Therefore, the proposed Project would not directly or indirectly destroy a

¹⁵ *City of West Hollywood, Final Program Environmental Impact Report for the City of West Hollywood General Plan and Climate Action Plan, Volume 1, October 2010; City of Los Angeles Department of City Planning, Initial Study for 333 La Cienega Boulevard Project, January 2016.*

unique geologic feature. Therefore, no impacts associated with unique geologic features would occur, and no further analysis of this topic is required.

Question d) Would the project disturb any human remains, including those interred outside of formal cemeteries?

Less Than Significant Impact. Although no human remains are known to have been found on the Project Site, there is the remote possibility that unknown resources could be encountered during construction of the proposed Project, particularly during ground-disturbing activities, such as excavation and grading. While uncovering of human remains is not anticipated, if human remains are discovered during construction, such resources would be treated in accordance with State law, including Section 15064.5(e) of the CEQA Guidelines, Section 5097.98 of the California PRC and Section 7050.5 of the California Health and Safety Code. Specifically, if human remains are encountered, work on the portion of the Project Site where remains have been uncovered would be suspended and the City of West Hollywood Community Development Department, Building and Safety Division and the County Coroner would be immediately notified. If the remains are determined by the County Coroner to be Native American, the Native American Heritage Commission would be notified within 24 hours, and the guidelines of the Native American Heritage Commission would be adhered to in the treatment and disposition of the remains. Compliance with the regulatory standards described above would ensure appropriate treatment of any potential human remains unexpectedly encountered during grading and excavation activities. Therefore, the proposed Project's impact on human remains would be less than significant, and no further analysis of this topic is required.

Question e) Would the project cause a substantial adverse change in the significance of a site, feature, place, cultural landscape, sacred place, or object with cultural value to a California Native American Tribe that is listed or determined eligible for listing on the California register of historical resources, listed on a local historical register, or otherwise determined by the lead agency to be a tribal cultural resource?¹⁶

No Impact. Approved by Governor Jerry Brown on September 25, 2014, Assembly Bill 52 (AB 52) establishes a formal consultation process for California Native American Tribes to identify potential significant impacts to Tribal Cultural Resources, as defined in Public Resources Code Section 21074, as part of CEQA. Effective July 1, 2015, AB 52 applies to projects that file a Notice of Preparation or Notice of Negative Declaration/

¹⁶ *This checklist question language, based on Office of Planning and Research (OPR) guidance, is being used to address Tribal Cultural Resources as required by Assembly Bill 52. However, the language is still under draft form.*

Mitigated Negative Declaration on or after July 1, 2015. As specified in AB 52, lead agencies must provide notice to tribes that are traditionally and culturally affiliated with the geographic area of a proposed project if the tribe has submitted a written request to be notified. The tribe must respond to the lead agency within 30 days of receipt of the notification if it wishes to engage in consultation on the project, and the lead agency must begin the consultation process within 30 days of receiving the request for consultation.

In compliance with the requirements of AB 52, the City provided formal notification of the proposed Project on May 25, 2016. Letters were sent via certified mail to the following California Native American tribes that requested notification:

- Gabrieleño Band of Mission Indians—Kizh Nation, Andrew Salas, Chairman
- Gabrieleño Tongva Nation—Sandonne Goad, Chairperson
- Gabrieleño Tongva San Gabriel Band of Mission Indians—Anthony Morales, Tribal Chairman
- Gabrieleño-Tongva Tribe—Linda Candelaria, Tribal Chairwoman
- Gabrieleño Tongva Indians of California Tribal Council—Robert Dorame, Tribal Chair/Cultural Resources
- Soboba Band of Luiseño Indians—Joseph Ontiveros, Cultural Resource Department
- Torres Martinez Desert Cahuilla Indians—Michael Mirelez, Cultural Resources Coordinator

As of October 6, 2016, the City has not received responses from any of the aforementioned tribes. Additionally, a Sacred Lands File (SLF) search request was sent to the Native American Heritage Commission (NAHC) in May 2016. The NAHC responded on May 20, 2016 and indicated that the SLF search results were negative for any recorded tribal cultural resources on the Project Site. Therefore, no impacts related to tribal cultural resources would occur as a result of the proposed Project, and no further analysis of this topic is required.

f. Geology and Soils

Question e) Would the project have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?

No Impact. The Project Site is located within a community served by existing sewer infrastructure and the proposed Project's wastewater demand would be accommodated via connections to the existing wastewater infrastructure. As such, the proposed Project would not require the use of septic tanks or alternative wastewater disposal systems. Therefore, no impacts related to the ability of soils to support septic tanks or alternative wastewater disposal systems would occur, and no further analysis of this topic is required.

g. Hazards and Hazardous Materials

Question 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?

No Impact. The Project Site is not located within 2 miles of a public use airport. The nearest public airport is Bob Hope Airport in Burbank, approximately 7.5 miles northeast of the Project Site. Accordingly, the Project Site is not located within an airport land use plan and is not subject to land use regulations within any such plan. Therefore, no impacts related to public airports would occur as a result of the proposed Project, and no further analysis of this topic is required.

Question h) Would the project 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?

No Impact. The Project Site is located in an urbanized area and is not located within an area containing wildland brush or within an area designated by the City as a very high, high, or moderate wildland fire hazard zone.¹⁷ Additionally, the proposed Project would be developed with new structures that would comply with current WHMC requirements pertaining to fire safety. Therefore, the proposed Project would not subject people or structures to a significant risk of loss, injury, or death as a result of exposure to wildland fires. No impacts would occur as a result of the proposed Project, and no further analysis of this topic is required.

¹⁷ *City of West Hollywood, West Hollywood General Plan 2035, Chapter 10 Safety and Noise, Figure 10-1, September 6, 2011.*

h. Hydrology and Water Quality

Question g) Would the project place housing within a 100-year flood hazard area as mapped on a deferral Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?

No Impact. The Project Site is not located within a 100-year flood plain as mapped by the Federal Emergency Management Agency (FEMA) or by the City of West Hollywood.^{18,19} In addition, the proposed Project does not include a residential component. Accordingly, the proposed Project would not place housing within a 100-year flood plain. Therefore, no impacts related to flooding of housing would occur, and no further analysis of this topic is required.

Question h) Would the project place within a 100-year flood hazard area structures which would impede or redirect flood flows?

No Impact. As discussed above, the Project Site is not located within a designated 100-year flood plain area. Accordingly, the proposed Project would not place structures that would impede or redirect flood flows within a 100-year flood plain. Therefore, no impacts related to flooding or redirection of flood flows would occur, and no further analysis of this topic is required.

Question i) Would the project expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of failure of a levee or dam?

No Impact. As stated above, the Project Site is not located within a designated 100-year flood plain. In addition, the Project Site is not located in an inundation hazard area for a levee or dam.²⁰ Therefore, no impact related to flooding would occur as a result of the proposed Project, and no further analysis of this topic is required.

Question j) Would the project be subject to inundation by seiche, tsunami, or mudflow?

¹⁸ *Federal Emergency Management Agency, Flood Insurance Rate Map, Panel Number 06037C1585F, September 26, 2008.*

¹⁹ *City of West Hollywood, Final Program Environmental Impact Report City of West Hollywood General Plan and Climate Action Plan, October 2010.*

²⁰ *City of West Hollywood, West Hollywood General Plan 2035, Chapter 10 Safety and Noise, Figure 10-3, September 6, 2011.*

No Impact. The City of West Hollywood and the Project Site are not located near a large body of water, such as an ocean or lake, in which a seiche or tsunami would occur. The Project Site is approximately 9 miles northeast of the Pacific Ocean. According to the General Plan's Safety Element, the potential for landslides and mudslides exists in the northern portion of the City, at the base of the Hollywood Hills. However, the Project Site is not located within or near one of the landslide hazard zones identified in the City's General Plan and is unlikely to be affected by mudflows. Therefore, no impacts would occur as a result of the proposed Project, and no further analysis of this topic is required.

i. Land Use and Planning

Question a) Would the project physically divide an established community?

No Impact. The Project Site is located in a highly urbanized area and is fully developed with commercial uses and parking. Surrounding uses in the vicinity of the Project Site include a mix of residential and commercial uses. The site is bordered by Sunset Boulevard to the north, Hilldale Avenue to the west, commercial uses to the east, and multi-family residential uses to the south. Commercial uses dominate Sunset Boulevard with restaurants, night clubs, and various retail uses in the immediate vicinity, as well as the Marriott EDITION hotel building that is under construction. Multi-family residences, two to four floors in height, are located south of the Project Site.

The proposed Project would replace an existing approximately 19,670-square-foot commercial building and surface parking with a new approximately 132,000-square-foot, mixed-use commercial building that would rise up to 141 feet in height along Sunset Boulevard. The proposed use is consistent with types of land uses already present or underway in the surrounding area. In addition, all proposed development would occur within the boundaries of the Project Site as it currently exists. Accordingly, the proposed Project would not physically divide, disrupt, or isolate an established community. Therefore, no impacts related to the physical division of an established community would occur, and no further analysis of this topic is required.

Question c) Would the project conflict with any applicable habitat conservation plan or natural community conservation plan?

No Impact. The Project Site is located in an urbanized area and is developed with commercial uses and parking with limited ornamental landscaping. As such, the Project Site does not support any habitat or natural community. Additionally, the City does not

currently have habitat conservation plans or natural community conservation plans.²¹ Therefore, no impacts would occur as a result of the proposed Project, and no further analysis of this topic is required.

j. Mineral Resources

Question a) Would the project 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?

No Impact. No state-designated or locally designated mineral resource zones exist in the City. The only active mineral extraction within the City limits are several existing oil wells in the Salt Lake Oil Field located in the southern portion of the City, approximately 1 mile southeast of the Project Site.²² No mineral extraction operations currently occur on the Project Site. The Project Site is located within an urbanized area and has been previously disturbed by development. As such, the potential for mineral resources to occur on-site is low. Accordingly, the proposed 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 and would not result in the loss of availability of a locally important mineral resource recovery site. Therefore, no impacts to mineral resources would occur, and no further analysis of this topic is required.

Question b) Would the project 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?

No Impact. See response to Threshold question VII.j.a above.

k. Noise

Question 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?

²¹ *City of West Hollywood, Final Program Environmental Impact Report City of West Hollywood General Plan and Climate Action Plan, October 2010.*

²² *City of West Hollywood, Final Program Environmental Impact Report City of West Hollywood General Plan and Climate Action Plan, October 2010.*

No Impact. The Project Site is not located within 2 miles of a public use airport. The nearest public airport is Bob Hope Airport in Burbank, approximately 7.5 miles northeast of the Project Site. Accordingly, the Project Site is not located within an airport land use plan or within 2 miles of a public use airport and would not expose people residing or working in the project area to excessive noise levels. Therefore, no impacts related to public airports would occur as a result of the proposed Project, and no further analysis of this topic is required.

I. Population and Housing

Question a) Would the project 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)?

Less Than Significant Impact. The proposed Project does not propose the development of residential uses and, thus, would not directly contribute to population growth within the Project area. While construction of the proposed Project would create temporary construction-related jobs, the work requirements of most construction projects are highly specialized so that construction workers remain at a job site only for the time in which their specific skills are needed to complete a particular phase of the construction process. Accordingly, Project-related construction workers would not be anticipated to relocate their household's place of residence as a consequence of working on the proposed Project, and, therefore, no new permanent residents would be generated during construction of the proposed Project.

With regard to operation of the proposed Project, the proposed uses are anticipated to generate approximately 662 jobs and the existing commercial building is estimated to contain approximately 35 jobs, which results in a net new employee estimate of approximately 627.²³ However, the proposed retail, art gallery, and Arts Club uses would

²³ *The number of employees generated by the proposed Project uses is based on the employee generation rates provided in the Los Angeles Unified School District (LAUSD) 2012 Developer Fee Justification Study (the LAUSD includes the City of West Hollywood in its jurisdiction). To provide the most conservative analysis for the number of net new employees generated by the proposed Project's uses, the employee generation rate for "Standard Commercial Office" (i.e., 0.00479 employee per square foot) is applied. Although the proposed Project is proposing retail, gallery, creative office, and support/common area/back-of-house uses rather than "Standard Commercial Office" uses, the estimate for the proposed uses employs the "Standard Commercial Office" rate, which is the largest and overall most comparable rate listed and provides the most conservative estimates. As a result, the number of employees is the most conservative estimate generated from the rates provided by the 2012 LAUSD Developer Fee Justification Study. In addition, the number of employees generated by the Arts Club is based on projections provided by the Applicant and its consultants and applied to the Transportation Study for the Arts Club West Hollywood Project, which can be found in Appendix H of this Draft EIR.*

include a range of full-time and part-time positions that are typically filled by persons who already reside in the vicinity of the workplace and who generally do not relocate their households due to such employment opportunities. As such, it is unlikely that the proposed Project would create an indirect demand for additional housing or households in the area. As for the jobs associated with the creative office use proposed by the proposed Project, such jobs may also be filled to some extent by employees already residing in the vicinity of the Project Site; however, it is also possible that some of these jobs would be filled by persons moving into the surrounding area, and housing demand associated with the proposed Project could increase. Nevertheless, it is anticipated that some of this demand would be filled by existing vacancies in the housing market, and some from other new units in nearby developments. Therefore, given that the proposed Project would not directly contribute to population growth in the Project area and as some of the estimated 627 net new employment opportunities generated by the proposed Project would be filled by people already residing in the vicinity of the Project Site, the potential growth associated with the proposed Project's employees who may relocate their place of residence would not be substantial. Even if it were conservatively assumed all 627 net new employees would relocate for work, this would fall within growth projections by the Southern California Association of Governments (SCAG) for the City and region. As such, the proposed Project would not result in a notable increase in demand for new housing, and any new demand, should it occur, would be minor in the context of forecasted growth for the City of West Hollywood. Furthermore, as the proposed Project would be located in a highly developed area with an established network of roads, public transportation, and other urban infrastructure, it would not require the extension of such infrastructure in a manner that would indirectly induce substantial population growth.

Based on the above, the proposed Project would not induce substantial population or housing growth. Therefore, impacts related to population growth would be less than significant, and no further analysis of this topic is required.

Question b) Would the project displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?

No Impact. As no housing currently exists on the Project Site, the proposed Project would not displace any existing housing. Therefore, no impacts related to housing displacement would occur, and no further analysis of this topic is required.

Question c) Would the project displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

Less Than Significant Impact. No housing currently exists on the Project Site. Implementation of the proposed Project would replace an existing approximately 19,670-square-foot commercial building with a new approximately 132,000-square-foot commercial

development. The proposed Project would not result in the displacement of a substantial number of people such that construction of housing elsewhere is needed. Therefore, impacts related to displacement would be less than significant, and no further analysis of this topic is required.

m. Public Services

Question a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which would cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:

Schools?

Less Than Significant Impact. The proposed Project does not include development of new residential land uses, which directly generate school-aged children and a demand for school services. Thus, implementation of the proposed Project would not result in a direct increase in the number of students within the service area of the Los Angeles Unified School District (LAUSD), which includes the City of West Hollywood. In addition, the number of students indirectly generated by the proposed Project that could attend LAUSD schools serving the Project Site would not be anticipated to be substantial because not all employees are likely to reside in the immediate Project vicinity. Furthermore, pursuant to Senate Bill 50, the Applicant would be required to pay development fees for schools to the LAUSD prior to the issuance of building permits. Pursuant to Government Code Section 65995, the payment of these fees is considered mitigation of Project-related school impacts. Therefore, impacts to schools would be less than significant, and mitigation measures would not be required.

Parks?

Less than Significant Impact. As previously discussed, the proposed Project does not include development of new residential land uses, which typically create the greatest demand for parks and recreational facilities. Implementation of the proposed Project would not result in on-site residents who would utilize nearby parks and/or recreational facilities. While it is possible that some of the new employees generated by the proposed Project may utilize local parks and recreational facilities, this increased demand would be negligible due to the amount of time it would take for employees to access off-site local parks (the closest of which is West Hollywood Park located approximately 0.5 mile south of the Project Site). Additionally, the new employment opportunities that would be generated by the proposed Project may be filled, in part, by employees who already reside in the

vicinity of the Project Site and utilize existing parks and recreational facilities. Therefore, while the proposed Project's employment opportunities could have the potential to indirectly increase the area population, new demand for public parks and recreational facilities associated with Project development would be limited. Thus, impacts to parks and recreational facilities would be less than significant, and mitigation measures would not be required.

Other public facilities?

Less Than Significant Impact. West Hollywood Library is located approximately 0.5 mile south of the Project Site and is operated by the County of Los Angeles Public Library System. As the proposed Project does not include a residential component, no direct demand for libraries would be generated. Thus, implementation of the proposed Project would not result in a direct increase in the number of residents within the service population of West Hollywood Library. In addition, as employees of the proposed Project would be more likely to use library facilities near their homes during non-work hours and given that some of the employment opportunities generated by the proposed Project would be filled by people already residing in the vicinity of the Project Site, the proposed Project's employees and the potential indirect population generation that could be attributable to those employees would generate minimal demand for library services. Furthermore, due to the developed nature of the Project vicinity, some of the employees that could relocate to the area would likely do so by moving into existing units that would have been previously occupied. As such, any direct or indirect demand for library services generated by the proposed Project's employees would be negligible. Therefore, impacts to libraries would be less than significant, and no further analysis of this topic is required.

n. Recreation

Question 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?

Less than Significant Impact. As previously discussed, the proposed Project does not include development of new residential land uses, which typically create the greatest demand for parks and recreational facilities. Implementation of the proposed Project would not result in on-site residents who would utilize nearby parks and/or recreational facilities. While it is possible that some of the new employees generated by the proposed Project may utilize local parks and recreational facilities, this increased demand would be negligible due to the amount of time it would take for employees to access off-site local parks (the closest of which is West Hollywood Park located approximately 0.5 mile south of the Project Site). Additionally, the new employment opportunities that would be generated by the proposed Project may be filled, in part, by employees already residing in the vicinity

of the Project Site who already utilize existing parks and recreational facilities. Therefore, while the proposed Project's employment opportunities could have the potential to indirectly increase the area population, new demand for public parks and recreational facilities associated with the proposed Project's development would be limited. As such, the proposed Project would not increase the use of existing neighborhood and regional parks or other recreational facilities such that a substantial physical deterioration of the facility would occur or be accelerated. Thus, the proposed Project's impacts on parks and recreational facilities would be less than significant, and mitigation measures would not be required.

Question 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?

Less Than Significant Impact. The proposed Project would provide private on-site recreational facilities, including a fitness club/spa and a pool, as the proposed Project's amenities. These recreational facilities would be available for use by Arts Club members and their guests. The proposed Project would not result in additional impacts associated with the construction of these recreational facilities beyond those physical impacts disclosed in this EIR.

o. Transportation and Traffic

Question d) Substantially increase hazards to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

No Impact. The roadways adjacent to the Project Site are part of the urban roadway network and contain no sharp curves or dangerous intersections. The proposed Project does not include any proposed modifications to the street system or any dangerous design features. In addition, the proposed Project would not result in incompatible uses as the proposed Project's commercial uses are consistent with other commercial uses in the Project vicinity, particularly along Sunset Boulevard. Therefore, no impacts related to hazards to a design feature would occur, and no further analysis of this topic is required.

p. Utilities and Service Systems

Question g) Would the project comply with federal, state, and local statutes and regulations related to solid waste?

Less Than Significant Impact. Solid waste management in the State is primarily guided by the California Integrated Waste Management Act of 1989 (AB 939) which

emphasizes resource conservation through reduction, recycling, and reuse of solid waste. AB 939 establishes an integrated waste management hierarchy consisting of (in order of priority): (1) source reduction; (2) recycling and composting; and (3) environmentally safe transformation and land disposal. Furthermore, Assembly Bill 341 (AB 341), which became effective on July 1, 2012, requires businesses and public entities that generate four cubic yards or more of waste per week and multi-family dwellings with five or more units to recycle. The purpose of AB 341 is to reduce greenhouse gas emissions by diverting commercial solid waste from landfills and expand opportunities for recycling in California. To address organic waste, California Organics Recycling (AB 1826) requires mandatory recycling of organic waste generate by commercial uses, such as restaurants and grocery stores.

In addition, as codified in the green building standards of the City's Municipal Code, all new development, remodeling, and tenant improvements shall divert a minimum of 80 percent of all construction and demolition waste from landfills. Furthermore, in compliance with the California Solid Waste Reuse and Recycling Access Act (AB 1327), the City requires that solid waste and recyclable materials storage areas are incorporated into project design and construction.

As such, the proposed Project would be consistent with the applicable regulations associated with solid waste. The proposed Project would also promote compliance with waste diversion goals by providing clearly marked, source sorted receptacles to facilitate recycling. Since the proposed Project would comply with federal, State, and local statutes and regulations related to solid waste, impacts related to compliance with solid waste statutes and regulations would be less than significant, and no further analysis of this topic is required.