IV. ENVIRONMENTAL IMPACT ANALYSIS
A. IMPACTS FOUND TO BE LESS THAN SIGNIFICANT

INTRODUCTION

In addition to the environmental impact categories analyzed in detail in this EIR, the City of Los Angeles has determined through the preparation of an Initial Study (included as Appendix A to this Draft EIR) that the development and operation of the proposed project would not result in potentially significant impacts to the environmental impact topics discussed below. Section 15128 of the CEQA Guidelines states:

> *"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. Such a statement may be contained in an attached copy of an Initial Study."*

It has been determined that there is no evidence that the proposed project would cause significant environmental effects in the following areas and that no further environmental review of these issues is necessary for the reasons described below.

Agriculture

Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance

The project site is currently developed, does not contain any agricultural uses, and is not delineated as agricultural land on any maps prepared pursuant to the Farmland Mapping and Monitoring Program.[1] Therefore, no impact would occur and no mitigation measures would be required.

Conflict with the existing zoning for agricultural use, or a Williamson Act Contract

The southerly 200 feet of lot depth along San Vicente Boulevard is zoned Commercial, C4-1VL, the remaining 100 feet of lot depth is zoned Automobile Parking, P-1VL-O, and the northwestern portion of the project site that includes the two residential parcels is zoned Suburban, RS-1-O. No Williamson Act Contract applies to the project site. Therefore, no impact would occur and no mitigation measures would be required.

Result in conversion of Farmland, to non-agricultural use

The project site is currently developed and does not contain any agricultural uses. Likewise, the surrounding area is fully developed with commercial, residential, and retail uses, and does not contain any agricultural resources. The proposed project would redevelop the project site with a neighborhood-

[1] *State of California Department of Conservation, Division of Land Resource Protection, Farmland Mapping and Monitoring Program, website: ftp://ftp.consrv.ca.gov/pub/dlrp/FMMP/pdf/2006/los06.pdf, May 19, 2009.*

oriented commercial center. Therefore, no impact would occur and no mitigation measures would be required.

Biological Resources

Substantial adverse effect on any species identified as a candidate, sensitive, or special status species

The project site is located in an urbanized area in western Los Angeles and is currently developed with buildings and paving, with minimal landscaping. The project site does not contain any natural open spaces, act as a wildlife corridor, nor possess any areas of significant biological resource value. No hydrological features are present on the site and there are no sensitive habitats present. Due to the lack of biotic resources, no candidate, sensitive, or special status species identified in local plans, policies, or regulations of the California Department of Fish and Game (CDFG), the California Native Plant Society (CNPS), or the U.S. Fish and Wildlife Service (USFWS) would be expected to occur on the project site. A search of the California Natural Diversity Database (CNDDB) was conducted to identify sensitive plant and wildlife species historically noted in the Beverly Hills USGS 7.5-Minute Quad, which includes the project site. The species identified by the search and their specific habitat requirements are as follows:

- Monarch butterfly (*Danaus plexippus*) – Needs eucalyptus groves for suitable roost habitat;
- Silver-haired bat (*Lasionycteris noctivagans*) – Primarily a coastal and montane forest dweller feeding over streams, ponds and open brushy areas and requires hollows of trees for roost habitat;
- Gertsch's socalchemmis spider (Socalchemmis gertschi) – Known from only two locations (Brentwood and Topanga), habitat consists of sage scrub, chaparral, oak woodland, coniferous forest, generally in rocky outcrops or talus slopes (moveable rocks with spaces or cracks) in non-arid climates; and
- Braunton's milk-vetch (*Astragalus brauntonii*) – Possibly extirpated and requires coastal scrub/woodland habitat and gravelly clay soils.

Based on examination of the results of the CNDDB search, it is unlikely that any of the aforementioned species occur on or in the immediate vicinity of the project site due to the developed nature of the project site and surrounding area.

In total, 20 mature trees presently exist on the project site, none of which is protected tree under LAMC Ordinance 177,404. All trees would be removed and replaced as part of the proposed development. The trees are all non-native, ornamental exotics that appear to have been planted as part of current onsite development landscaping and are not protected under federal or State regulations that pertain to special status species. These trees are not jurisdictional to the City's tree protection ordinance, as the ordinance applies only to oak, black walnut, sycamore, and California bay trees. The removal of these trees is not critical to the survival of any species identified as a candidate, sensitive, or special status species. Furthermore, approximately 7,537 sf of landscaping (including trees and raised planters) and additional open space (in the form of plazas and paseos) would be located throughout the project site, consisting of

pedestrian-oriented gathering and outdoor dining areas in an open-air setting, landscaping in the parking areas, and landscaping for the residence. Existing and new London Plane Trees would be located at the site frontage along San Vicente Boulevard. Pots and containers with accent shrubs and patio trees would placed throughout the site and would include Japanese Maple, Bamboo, Fernleaf Bamboo, Camelias, Kaffir Lily, Sago Palm, Horsetail, Japanese Emalia, Gardenia, Red Ginger, Japanese Holly, and Variegated Lily Turf. Water features may include a fountain in the patio area on the ground floor as well as a fountain in the patio area on the second floor. Portions of the exteriors of the proposed buildings would contain vines (such as Star Jasmine, Violet Trumpet Vine, and Guilnea Gold Vine) planted on "Greenscreen" or steel wall lattice. The exterior color palette of the proposed buildings would include complementary light colors, such as sandstone.

Trees such as Japanese Loquat would be planted in the at-grade surface parking area and trees, such as Timber Bamboo, would be planted in the subterranean parking level, receiving sunlight through cuts in the grade level and ultimately growing to a height above the at-grade parking. Cantilevered planters would also be provided above the parking garage with a six-foot screening wall. The parking area would be shielded from view of the surrounding residential properties through the implementation of foliage such as Indian Laurel Fig Hedge.

Project implementation, including construction and operation, would not have an impact on species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the CDFG or USFWS either directly or through habitat modifications. Therefore, a less than significant impact would occur and no mitigation measures would be required.

Substantial adverse effect on any riparian habitat or other sensitive natural community

No riparian or other sensitive habitat areas are located on or adjacent to the project site.[2] Implementation of the proposed project would not result in any adverse impacts to riparian habitat or other sensitive natural communities. Therefore, no impact would occur and no mitigation measures would be required.

Substantial adverse effect on federally protected wetlands

The project site is located in an urbanized area. Review of the National Wetlands Inventory identified no wetlands or water features on the project site. A freshwater forested/shrub feature is present immediately northeast of the project site and runs northward between Saltair Avenue and Westgate Avenue.[3] This feature is potentially jurisdictional by the Army Corps of Engineers, CDFG, and the Regional Water Quality Control Board (RWQCB). However, as there are no wetlands or water features on the project site, no impact with respect to a federally protected wetland would occur and no mitigation measures are necessary.

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[2] *City of Los Angeles, General Plan Framework Draft Environmental Impact Report, January 19, 1995, Figure BR-1D.*

[3] *U.S. Fish & Wildlife Service, National Wetlands Inventory, website: http:www.nwi.fws.gov, Accessed May 22, 2009. Supported by photo imagery interpretation (Source: Google Earth, Imagery Date: October 8, 2007).*

Interfere with the movement of any native resident or migratory fish or wildlife species

The project site is currently developed with buildings, paving and minimal landscaping. In total, 20 mature trees presently existing on the project site would be removed and replaced as part of the proposed development. The trees are all non-native, ornamental exotics that appear to have been planted as part of the existing onsite development landscaping and are not protected under LAMC Ordinance 177,404 or any federal or State regulations that pertain to special status species. As such, the removal of these trees would not interfere substantially with the movement of any native resident or migratory birds. Furthermore, approximately 7,537 sf of landscaping (including trees and planters) and additional open space (in the form of plazas and paseos) would be located throughout the project site, consisting of pedestrian-oriented gathering and outdoor dining areas in an open-air setting, landscaping in the parking areas, and landscaping for the residence. Existing and new London Plane Trees would be located at the site frontage along San Vicente Boulevard. Pots and containers with accent shrubs and patio trees would placed throughout the site and would include Japanese Maple, Bamboo, Fernleaf Bamboo, Camelias, Kaffir Lily, Sago Palm, Horsetail, Japanese Emalia, Gardenia, Red Ginger, Japanese Holly, and Variegated Lily Turf. Therefore, the removal of on-site trees would result in a less than significant impact.

The Migratory Bird Treaty Act (MBTA) (16 U.S.C. §§ 703-712) provides that it is unlawful to "pursue, hunt, take, capture or kill; attempt to take, capture or kill; possess, offer to or sell, barter, purchase, deliver or cause to be shipped, exported, imported, transported, carried or received any migratory bird, part, nest, egg or product, manufactured or not." The MBTA was enacted in the early Twentieth Century between the governments of the United States and Great Britain (representing Canada), subsequently Mexico in 1936, Japan in 1972, and the Union of Soviet Socialist Republics in 1976. The MBTA expanded the definition of migratory birds to include virtually all birds found in the United States. Some examples of work that may be subject to MBTA restrictions include tree trimming, ground or vegetation disturbing activities, and tree removal during the bird breeding season. Compliance with the MBTA typically prohibits demolition and construction within certain distances of trees during nesting season and prohibits tree removal during nesting season, unless trees are surveyed for active nests prior to construction, demolition or tree removal during nesting season. Additionally, Sections 3503, 3503.5, and 3512 of the California Fish and Game Code prohibit the taking of birds and active nests.

The project site is located within an urban area and is highly disturbed. The project site is currently developed with buildings, paving and minimal landscaping. The nearest locations that contain vegetation with the potential for supporting migratory bird and/or wildlife use are the 20 mature trees onsite and around the northeastern periphery of the project site. It would be a standard requirement for a pre-removal bird nest survey to ensure compliance with the MBTA. The northern periphery area is located outside the project site and shares only a small common boundary with the project site. As a result, development of the project would not interfere substantially with the movement of any native resident or migratory birds.

The project would not involve changes in the existing environment that could interfere with the movement of migratory birds or other wildlife species. In addition, no bodies of water are present on site to provide habitat for fish. As such, project implementation would neither interfere with the movement of

any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors nor impede the use of native wildlife nursery sites. Therefore, a less than significant impact would occur and no mitigation measures would be required.

Conflict with any local policies or ordinances protecting biological resources

The project would be confined to a previously developed project site and would not involve substantial changes in the existing environment. The only local ordinance related to protection of biological resources is to the City of Los Angeles Protected Tree Ordinance, as modified by Ordinance 177,404. The amended Protected Tree Ordinance provides guidelines for the preservation of all Oak trees indigenous to California (excluding the Scrub Oak or *Quercus dumosa*) as well as the following tree species: Southern California Black Walnut (*Juglans californica var. californica*); Western Sycamore (*Platanus racemosa*); and California Bay (*Umbellularia californica*).[4] No oak, black walnut, sycamore, or California bay trees would be removed or destroyed during implementation of the project. Therefore, no impact would occur and no mitigation measures would be required.

Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan

The project site is presently developed and is located in an urbanized area. The site is not located in or adjacent to an existing or proposed Significant Ecological Area. Additionally, no adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan applies to the project site. Implementation of the project would not conflict with any habitat conservation plans. Therefore, no impact would occur and no mitigation measures would be required.

Hydrology and Water Quality

Violate any water quality standards or waste discharge requirements

Construction

Construction activities must meet the National Pollution Discharge Elimination System (NPDES) requirements for storm water quality and comply with all applicable regulations with regard to surface water quality as governed by the State Water Resources Control Board (SWRCB). The SWRCB mandates that projects that disturb one or more acres of soil or less than one acre but are part of a larger development disturbing one or more acres must obtain coverage under the Statewide General Permit for Discharges of Storm Water Associated with Construction Activity. The General Permit requires that, prior to construction activity, project applicants file a Notice of Intent (NOI) with the SWRCB and prepare a project-specific Storm Water Pollution Prevention Plan (SWPPP) that incorporates Best Management Practices (BMPs) to control erosion and to protect the quality of surface water runoff during the construction period.

[4] *City of Los Angeles, Ordinance 177404, approved March 13, 2006 and effective April 23, 2006.*

The proposed project would involve the construction of three new two-story commercial buildings and a single-family home in the northwest portion of the project site. Approximately 59,000 cubic yards of material would be exported as part of construction. Because the grading and excavation required for the proposed project would involve a footprint of greater than one acre, the proposed project would be required to file an NOI and prepare an SWPPP. In addition, the proposed project would be required to comply with Chapter IX, Division 70 of the LAMC, which addresses grading, excavations, and fills, and Chapter VI, Article 4.4 of the LAMC, Stormwater and Urban Runoff Pollution Control (as modified by Ordinance Nos. 172,176 and 173,494), which requires the application of BMPs. Compliance with applicable regulations would result in less than significant impacts to water quality.

Operation

As per NPDES requirements, a SUSMP was adopted for Los Angeles County and 88 cities, including the City of Los Angeles. The Los Angeles Regional Water Quality Control Board (LARWQCB) issued a Municipal Storm Water NPDES Permit in December 2001 that requires new development and redevelopment projects to incorporate storm water mitigation measures. Depending on the type of project, either a SUSMP or a Site Specific Mitigation Plan is required to reduce the quantity and improve the quality of rainfall runoff that leaves the site. SUSMPs are required for single-family hillside residences, residential developments of ten or more units, industrial/commercial developments of one or more acres, automotive service facilities, retail gasoline outlets, restaurants, parking lots of 5,000 or more square feet or larger or with 25 or more parking spaces, and projects discharging directly into designated ESAs. As the proposed project would involve subterranean parking with more than 25 parking spaces, the Applicant would be required to prepare a SUSMP to reduce potential surface water quality impacts during operation. Furthermore, required design criteria, as established in the City of Los Angeles Department of Public Works, Bureau of Sanitation, Stormwater Program, Development Best Management Practices Handbook[5] would be incorporated into the project design to minimize the off-site conveyance of pollutants. Compliance with applicable regulations would result in less than significant impacts to water quality.

Substantially deplete groundwater supplies or interfere with groundwater recharge

The proposed project would involve the construction of three new two-story commercial buildings and a single-family home in the northwest portion of the project site. Approximately 59,000 cubic yards of material would be exported as part of construction. The proposed project would not require any deep excavations or wells and, therefore, would not require dewatering. The proposed project would not substantially increase the amount of impervious area on the project site. The proposed project would not increase the current amount of on-site pervious area available for groundwater recharge. Therefore, a less than significant impact would occur and no mitigation measures would be required.

[5] *City of Los Angeles Department of Public Works, Bureau of Sanitation, Stormwater Management Division, Development Best Management Practices Handbook, adopted June 30, 2004.*

Substantially alter the existing drainage pattern of the site or area, which would result in substantial erosion or siltation on- or off-site

The proposed project would not substantially increase the amount of impervious area on the project site. No additional stormwater runoff would be generated on the project site as a result of the proposed project. The proposed project would not have the potential to alter the existing drainage pattern at the site such that substantial erosion or siltation on or off-site would be created. Therefore, a less than significant impact would occur and no mitigation measures would be required.

Substantially alter the existing drainage pattern of the site or area, which would result in flooding

The proposed project would not increase the amount of impervious area on the project site. No additional stormwater runoff would be generated on the project site as a result of the proposed project. The proposed project would not have the potential to alter the existing drainage pattern at the site such that flooding on or off-site would be created. Therefore, a less than significant impact would occur and no mitigation measures would be required.

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

The proposed project would not substantially increase the amount of impervious area on the project site. No additional stormwater runoff would be generated on the project site as a result of the proposed project and the proposed project would not be expected to exceed the capacity of the existing storm drainage infrastructure serving the project site or provide a substantial additional source of polluted runoff. Therefore, a less than significant impact would occur and no mitigation measures would be required.

Otherwise substantially degrade water quality

The proposed project would not substantially increase the amount of impervious area on the project site. No additional stormwater runoff would be generated on the project site as a result of the proposed project. In addition, the project would not significantly change the commercial and residential uses of the site, which are generally not major sources of polluted runoff. Compliance with all applicable regulations would reduce water quality impacts during project construction to levels that are less than significant and would preclude a substantial degradation of water quality during project operations. Therefore, a less than significant impact would occur and no mitigation measures would be required.

Place housing within a 100-year flood plain as mapped on federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map

Where the two single-family homes are currently located, the proposed project involves the development of a single-family home. The City of Los Angeles Seismic Safety Element has identified the project site

as being located within a 500-year flood plain area, but outside of a 100-year flood plain.[6] In addition, the southern portion of the project site is located in an area designated by the Federal Emergency Management Agency (FEMA) as Flood Zone B, indicating areas between the limits of the 100-year flood and 500-year flood or certain areas subject to 100-year flooding with average depths less than one foot or where the contributing drainage area is less than one square mile or areas protected by levees from the base flood.[7] The single-family home proposed in the northwest portion of the site would not be located within a 100-year flood plain. Therefore, no impact would occur and no mitigation measures would be required.

Place within a 100-year flood plain structures which would impede or redirect flood flows

Since the project site is not located within a 100-year flood plain, the proposed improvements associated with the project would not impede or redirect flood flows. Therefore, no impact would occur and no mitigation measures would be required.

Flooding as a result of the failure of a levee or dam

The City of Los Angeles Seismic Safety Element identifies the project site as being located outside of a City-designated potential inundation basin[8] The project site is not located within an area designated by the City or by FEMA as presenting substantial flooding risks associated with a 100-year flood event, but the project site is located within a City-designated area presenting substantial risk associated with a 500-year flood event. In addition, the southern portion of the project site is located in an area designated by FEMA as Flood Zone B, indicating areas between the limits of 100-year flood and 500-year flood or certain areas subject to 100-year flooding with average depths less than one foot or where the contributing drainage area is less than one square mile or areas protected by levees from the base flood. Furthermore, Mount Olivet Reservoir is located south of the Brentwood Country Club approximately 0.5 mile from the project site. The project would comply with all applicable laws and requirements, including the requirements of the Flood Hazard Management Specific Plan, Ordinance No. 172,081, which would ensure that impacts with respect to flooding are less than significant.

Inundation by seiche, tsunami, or mudflow

The City of Los Angeles Seismic Safety Element identifies the project site, which is located approximately three miles east of the Pacific Ocean, as being located outside of an area potentially

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[6] *City of Los Angeles Department of City Planning, Safety Element of the General Plan, Exhibit F: 100-Year and 500-Year Flood Plains, March 1994.*

[7] *Federal Emergency Management Agency, Flood Insurance Rate Map for the City of Los Angeles, California, Los Angeles County, Panel 29 of 112, effective December 2, 1980, website: http://navigatela.lacity.org/common/mapgallery/pdf/fema_firm/0601370070C.pdf, May 20, 2006.*

[8] *City of Los Angeles, Safety Element of the General Plan, Inundation and Tsunami Hazard Areas in the City of Los Angeles, Exhibit G, March 1994.*

impacted by a tsunami or seiche.[9] The project site is within a City-designated hillside grading area, which indicates that the site is located in an area that is in or is near a hillside mountainous area. In addition, the City of Los Angeles Seismic Safety Element has identified the project site as being located within a cluster of small shallow surficial landslides. However, the project site is in an urbanized portion of West Los Angeles and is topographically relatively flat, thereby limiting the potential for inundation by mudflow. Therefore, a less than significant impact would occur and no mitigation measures would be required.

Mineral Resources

Loss of availability of a known mineral resource

While portions of the project site are zoned as "Oil Drilling District", where the drilling of oil wells is permitted, the project site is not located within a City-designated oil field or oil drilling area, or a City-designated Mineral Resource Zone 2 Area (MRZ-2).[10] Moreover, publicly available historic records from 1900 onward indicate that the project site and surrounding properties have not been used for the recovery of mineral resources including oil drilling[11] The project site is presently developed and is located in an urbanized area. The proposed project would have no impact with respect to loss of availability of a known regionally-important mineral resource. Therefore, no impact would occur and no mitigation measures would be required.

Loss of availability of a locally-important mineral resource recovery site

According to the Conservation Element of the City of Los Angeles General Plan, sites that contain potentially significant sand and gravel deposits which are to be conserved follow the Los Angeles River flood plain, coastal plain, and other water bodies and courses and lie along the flood plain from the San Fernando Valley through downtown Los Angeles. These sites are also identified in two Community Plan elements of the City's General Plan (the Sun Valley and the Sunland–Tujunga–Lake View Terrace–Shadow Hills–East La Tuna Canyon Community Plans), neither of which encompasses the project site.[12] Furthermore, the project site is presently developed and is located in an urbanized area. Development of the proposed project would not result in impacts associated with the loss or availability of a known mineral resource that would be of value to the region and the residents of the state. Therefore, no impact would occur and no mitigation measures would be required.

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[9] *City of Los Angeles, Safety Element of the General Plan, Inundation & Tsunami Hazard Areas in the City of Los Angeles, Exhibit G, March 1994.*

[10] *City of Los Angeles, Safety Element of the General Plan, Oil Fields and Oil Drilling Areas in the City of Los Angeles, Exhibit E, May 1994.*

[11] *Phase I Environmental Site Assessment, 11973 West San Vicente Boulevard, Brentwood District, Los Angeles, California ("Phase I ESA"), dated August 31, 2009, prepared by Geocon Inland Empire, Inc, at pages 9 and 10.*

[12] *City of Los Angeles, Conservation Element of the City of Los Angeles General Plan, September 16, 2001.*

Recreation

Increase the use of existing neighborhood and regional parks or other recreational facilities

The proposed project would not introduce a significant number of permanent residents to the project area and, as such, would not be anticipated to increase the use or deterioration of parks and recreational facilities in the vicinity. Therefore, a less than significant impact would occur and no mitigation measures would be required.

Require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment

The proposed project would not introduce a significant number of permanent residents to the project area and, as such, would not be anticipated to increase the use or deterioration of parks and recreational facilities in the vicinity. Furthermore, the proposed project does not include any park or recreational facility component, the construction of which could have an adverse effect on the environment. Therefore, a less than significant impact would occur and no mitigation measures would be required.