

FINAL ENVIRONMENTAL IMPACT REPORT

Boyle Heights Community Plan Update

Environmental Case: ENV-2016-2906-EIR
State Clearinghouse No.: 2016091010

Project Location: The Boyle Heights Community Plan Area (CPA) is located immediately east of Downtown and the Los Angeles River and rail corridor and flanks the eastern boundary of the City of Los Angeles. Its boundaries are approximately defined by the San Bernardino Freeway/Interstate 10 (10 Freeway) and Marengo Street on the north, the Union Pacific and Santa Fe Railroad tracks on the south, Indiana Street on the east, and the Union Pacific and Santa Fe Railroad tracks and the Los Angeles River on the west. The southern and eastern borders of the CPA align with the city limits of Los Angeles; the City of Vernon is located to the south and the unincorporated community of East Los Angeles is located to the east of the CPA respectively, while the Los Angeles communities of Lincoln Heights and El Sereno are located to the north, and the industrial districts of Downtown are located to the west. The CPA is approximately 6.67 square miles.

Council District: 14 (De León)

Project Description: The Proposed Plan includes amending both the text of the Boyle Heights Community Plan and the General Plan Land Use Map of the Boyle Heights Community Plan. The Proposed Plan would also adopt several zoning ordinances to implement the updates to the Community Plan, including rezoning all parcels in the CPA to regulate specific uses and apply development standards (including height of structures, Floor Area Ratios, site configuration) using the New Zoning Code. Additional zoning ordinances include a Community Plan Implementation Overlay (CPIO) District. The Proposed Plan will accommodate forecasted housing, population, and employment growth in the CPA for the next 20 years. The Proposed Plan directs future growth to already urbanized areas of the CPA. The proposed changes largely follow the current pattern of land use development reflecting City policies to direct growth where it can be supported by existing transportation infrastructure. The Proposed Plan promotes a balance of housing units and jobs near transit where different types of land uses (e.g., commercial and residential) can be provided to reduce the length and number of vehicle trips.

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August 2023

CITY OF LOS ANGELES
BOYLE HEIGHTS COMMUNITY PLAN UPDATE
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1.0 INTRODUCTION

This Final Environmental Impact Report ('Final EIR' or 'FEIR') has been prepared by the Los Angeles Department of City Planning (DCP) for the proposed project, which includes the Boyle Heights Community Plan Update (referred to as the 'Proposed Plan'). This FEIR complies with the requirements of the California Environmental Quality Act (CEQA) statutes (Cal. Pub. Res. Code, Section 21000 et. seq.) and implementing guidelines (Cal. Code Regs., Title 14, Section 15000 et. seq.) (the "State CEQA Guidelines").

1.1 CEQA REQUIREMENTS

Before approving a project that may cause a significant environmental impact, CEQA requires the lead agency to prepare and certify a FEIR. According to the *State CEQA Guidelines*, Section 15132, the FEIR shall consist of:

1. The Draft EIR (DEIR) or a revision of the DEIR;
2. Comments and recommendations received on the DEIR, either verbatim or in summary;
3. A list of persons, organizations, and public agencies commenting on the DEIR;
4. The responses of the lead agency to significant environmental points raised in the review and consultation process; and
5. Any other information added by the lead agency.

As shown, under the *State CEQA Guidelines*, the FEIR includes the DEIR as well as the other items listed. For purposes of clarity, the term "Final EIR" in this document refers to everything contained in this document (as described in **Section 1.2, Content of the FEIR**) and not the DEIR. The term "EIR" in this document refers to the FEIR and the DEIR.

1.2 PUBLIC REVIEW PROCESS

At the outset of the environmental review process, the DCP prepared a Notice of Preparation (NOP) for the Proposed Project (State Clearinghouse No. 2016091010). The NOP was published and distributed to the State Clearinghouse, trustee agencies, responsible agencies, and other interested parties for a 30-day public review period from September 2, 2016, to October 7, 2016. A public scoping meeting was held on September 13, 2016. The Draft EIR was circulated for a 75-day public review period July 28, 2022, to October 11, 2022.

1.3 CONTENT OF THE FEIR

As discussed above, the primary intent of the FEIR is to provide a forum to air and address comments pertaining to the analysis contained within the DEIR. Pursuant to Section 15088 of the *State CEQA Guidelines*, the City has reviewed and addressed all comments raising environmental issues on the DEIR, which the City received by the comment period deadline. Included in the FEIR are all of the written comments that were submitted during the public comment period.

In order to adequately address the comments provided by interested agencies and the public in an organized manner, this FEIR includes the following chapters and appendices:

- **Section 1.0, Introduction.** This chapter summarizes the contents of the FEIR and the environmental review process.
- **Section 2.0, Corrections and Additions.** This chapter provides a list of changes that were made to the DEIR. These revisions are shown in strikeout and additions are shown in underline text.
- **Section 3.0, Responses to Comments.** The City received 15 comment letters during the DEIR public review period. Of these, three letters are directed exclusively at the Proposed Plan rather than the DEIR. This chapter contains summaries of these comment letters and the City's responses to those comments that raise significant environmental points. A list of individuals, organizations, and public agencies commenting on the DEIR is provided. All comment letters, including those that did not raise significant environmental points, are included in **Section 3.0 Responses to Comments**.
- **Section 4.0, Mitigation Monitoring Program.** This chapter includes the Mitigation Monitoring Program (MMP) prepared in compliance with the requirements of Section 21081.6 of the California Public Resources Code and Section 15091(d) and 15097 of the *State CEQA Guidelines*.

1.4 REVIEW AND CERTIFICATION OF THE FEIR

Consistent with CEQA (Public Resource Code Section 21092.5), responses to agency comments are being forwarded to each commenting agency prior to certification of the FEIR. In addition, responses are also being distributed to all commenters via email. The FEIR can be downloaded at:

<https://planning.lacity.org/project-review/environmental-review/published-documents>

1.5 SUMMARY OF THE PROPOSED PLAN

The underlying purpose of the Proposed Plan is to plan for and accommodate foreseeable growth in the City, including the Project Area, consistent with the growth strategies of the City as provided in the Framework Element, as well as the policies of Senate Bill 375 (SB 375) and the Southern California Association of Governments (SCAG) Regional Transportation Plan / Sustainable Communities Strategy (RTP/SCS).

1.5.1 Boyle Heights Community Plan Update

The Proposed Plan includes amending both the text of the Boyle Heights Community Plan and the General Plan Land Use Map of the Boyle Heights Community Plan. The Proposed Plan would also adopt several zoning ordinances to implement the updates to the Community Plan, including rezoning all parcels in the Community Plan Area (CPA) to regulate specific uses and apply development standards (including height of structures, Floor Area Ratios, site configuration) using the New Zoning Code. Additional zoning ordinances include a Community Plan Implementation Overlay (CPIO) District.

The amendments to the community plan text and the General Plan Land Use Map for the Boyle Heights Community Plan are intended to guide development through the year 2040 by establishing the City's broad planning goals, policies, and objectives, the arrangement of land uses and intensities, as well as specific development standards for the Community Plan Area (CPA). The Boyle Heights Community Plan is intended to improve the link between land use and transportation in a manner that is consistent with the City's adopted General Plan Framework Element, Mobility Element, SB 375, and state law.

No new development would be entitled or built as a direct result of adopting the Proposed Plan. Future development projects would require additional discretionary and/or administrative approvals. These development projects are expected to occur over the next two decades. The exact type, place, and intensity of each new development cannot be assured through the adoption of the Proposed Plan, as the level of activity will be determined largely by private investment in Boyle Heights and the condition of the local economy.

1.5.2 New Zoning Code

Realizing the objectives of the Boyle Heights Community Plan Update as envisioned requires the application of New Zoning Code regulations, developed through re:code LA, the comprehensive revision of the City's zoning code. The New Zoning Code regulations include provisions for the new zone

modules¹, (a range of Form Districts, Frontage Districts, Use Districts, Development Standards Districts, and Density Districts).

Even when adopted into the LAMC, the New Zoning Code districts are not effective until they are implemented through zone changes that apply the New Zoning Code districts to specific properties through amendments to the City’s Zoning Map. The New Zoning Code has in large part been previously adopted through the Process and Procedures Ordinance and adoption of the Downtown Community Plan Update.

The timing of the re:code LA initiative in relation to the Boyle Heights Community Plan Update provides an opportunity to use the proposed New Zoning Code structure as part of the Boyle Heights Community Plan Update and implement the New Zoning Code in the CPA. This Proposed Plan will apply the New Zoning Code solely within the Boyle Heights CPA. The application of the New Zoning Code outside of the Boyle Heights CPA will be an incremental process over time. Ultimately, the New Zoning Code is intended to apply to the entire City of Los Angeles when all community plans and other applicable planning and regulatory documents are amended and adopted through Community Plan Updates or other legislative planning processes. Even when adopted into the LAMC, the New Zoning Code is not effective in a geographic area until it is implemented through zone changes that apply the New Zoning Code zoning designations, through a Community Plan Update process or separate planning process. Therefore, it is speculative to determine where else in the City the zones implemented through the Boyle Heights Community Plan Update may be applied through future planning processes. See **Chapter 3.0, Project Description**, for more details about the New Zoning Code.

1.5.3 Project Objectives

In accordance with *State CEQA Guidelines* Section 15124, the specific project objectives identified below support the underlying purpose of the Proposed Plan, assist the City as Lead Agency in developing a reasonable range of alternatives to evaluate in this EIR, and will ultimately aid the decision maker in preparing findings and overriding considerations, if necessary.

¹ For clarity, throughout this document, “zone module type” refers to the structural or organizational components of the new zone string: Form Districts, Frontages, Use Districts, Development Standards, and Density limitations. “Zone modules” refer to specific Form Districts, Frontages, Use Districts, Development Standard Sets, or Density Limit Indicators that can be applied to a property. For example, a ‘Very-Low Rise 1’ is a zone module within the Form District zone module type.

The **Primary Objectives** of the Proposed Plan are as follows:

- Accommodate projected population, housing, and employment growth and focus growth into Framework identified centers and corridors located near transit, through a diverse range of housing typologies and income levels to discourage the displacement of existing residents and communities;
- Reduce greenhouse gas emissions and promote enhanced multi-modal transportation opportunities for bicyclists, pedestrians and transit users. Reduce vehicle miles traveled to meet the requirements of Senate Bill 375, Senate Bill 743, and California Assembly Bill 32;
- Maintain existing affordable housing units and promote the creation of more affordable housing units for residents with incomes below the Area Median Income (AMI);
- Strengthen vibrant mixed-use areas near transit that encourage a strong jobs/housing balance and support increased ridership, and walkability;
- Preserve community character and neighborhood identity by strengthening and maintaining traditional character of notable residential and commercial neighborhoods and preserving stable low density neighborhoods;
- Promote a mix of compatible land uses that foster sustainability, equity, and healthy living; and
- Support sustainable urban design strategies that positively contribute to an urban tree canopy across the entire plan area and that support publicly accessible open space as the area evolves.

The **Secondary Objectives** of the Proposed Plan are as follows:

- Foster a safe, healthy, and environmentally sustainable region that increases access to healthy foods and healthcare services and promotes recreational open space and linkages with safe routes to schools and other routes that link people to public facilities and recreational open spaces;
- Support jobs-producing uses by maintaining industrially planned lands for employment generating uses and increase the opportunity for small business and jobs located in transit station areas and along connecting corridors;
- Improve the function and design of neighborhoods throughout the CPA by promoting a diversity of neighborhood serving uses near residential areas, discouraging a proliferation of auto related uses along pedestrian corridors, and enhancing pedestrian-oriented design along corridors;

- Provide a variety of mobility options and optimize bus transit, while enhancing cyclist and pedestrian access on identified corridors and facilitating the shared use of streets and alleys in residential areas;
- Improve consistency between land use and zoning regulations, where needed;
- Implement the new zoning code districts and rules as applicable to this geography, through the adoption of the Boyle Heights Community Plan; and
- Support public infrastructure improvements consistent with other City department and public agencies.

1.6 SUMMARY OF THE PROPOSED PROJECT IMPACTS

Section 15382 of the *State CEQA Guidelines* defines a significant impact on the environment as “a substantial, or potentially substantial, adverse change in any of the physical conditions within an area affected by the project, including land, air, water, flora, fauna, ambient noise, and objects of historic or aesthetic significance.” In order to approve a project with significant and unavoidable impacts, the lead agency must adopt a written Statement of Overriding Considerations (in accordance with Section 15093 of the *State CEQA Guidelines*) demonstrating that the decisionmaker has found that on balance the benefits of approving the Proposed Plan outweigh the negative environmental consequences.

Impacts found to be significant and unavoidable are the project and cumulative impacts to Air Quality from exceedance of criteria air pollutant emission standards including construction related nitrogen oxides (NO_x), operation-related volatile organic compounds (VOCs), sensitive receptors from toxic air contaminants (TACs) associated with operations of distribution facilities; Impacts to Cultural Resources due to the loss of historical resources; Noise impacts for temporary construction-related noise and construction-related vibration impacts; Impacts to Recreation due to deterioration of existing parks; and impacts to Transportation and Traffic, particularly traffic safety impacts related to highway off-ramp queuing. Impacts found to be potentially significant but able to be reduced to less than significant level with the imposition of proposed mitigation include impacts to sensitive receptors from construction-related activities, impacts from ground-disturbing activities to archaeological, tribal, and paleontological resources or hazardous contamination or materials resulting from contaminated soils.

1.7 MODIFICATIONS AND TECHNICAL REFINEMENTS TO THE PROPOSED PLAN AND ENVIRONMENTAL EFFECTS

As a result of comments received on the Draft Environmental Impact Report (EIR) and through the Proposed Plan's public hearing process during and following the October 2022 public hearing, and with recommended changes from the City Planning Commission (CPC), changes to the Proposed Plan have been made in the Community Plan (plan text), plan and zoning maps, and the Community Plan Implementation Overlay (CPIO) District. As described below, the changes to the Proposed Plan are found to make only minor changes to the overall project described in Chapter 3, Project Description, have been analyzed in the EIR and this section discusses how the minor modifications to the Proposed Plan do not result in significant new information under *State CEQA Guidelines* Section 15088.5 as a result of causing a new significant impact or substantial increase in the severity of an environmental impact. Although these changes do not constitute significant new information per CEQA, they remain subject to final adoption by the City Council and Mayor.

The section below outlines updates made to the Draft Boyle Heights Community Plan Text (Policy Document), Boyle Heights Community Plan General Plan Land Use Map and Zoning Map, the Draft New Zoning Code, and the Draft Boyle Heights Community Plan Implementation Overlay (CPIO).

Proposed Boyle Heights Community Plan (Policy Document)

Based on comments during and after the October 2022 public hearing and recommendations from the City Planning Commission during the April 20, 2023, public hearing, the following modifications and refinements have been made to the policy document:

- **Chapter 1:**
 - Updated text in the timeline to add the history of displacement of businesses and residents due to eminent domain from and construction of the Metro L Line.
 - Revisions to General Plan Land Use acreages based on General Plan Land Use application changes stated below.
- **Chapter 2 (Land Use & Urban Form), Chapter 3 (Mobility & Connectivity), and Chapter 4 (Public Realm & Open Space):**
 - Minor edits to add clarifying language to several policies.

- Added new policies related to tenant protection, preservation of RSO and covenanted units, and policies related to park facilities.
- **Chapter 5:**
 - Edits to the implementation section of Chapter 5 to incorporate programs to coordinate with the Department of Transportation, the Bureau of Engineering, the Bureau of Street Lighting, and the Bureau of Sanitation to improve pedestrian safety and access, create park spaces and green alleyways, and to address the heat island effect through tree planting and cool pavement.
 - Replace Program 18 identifying the need for a future Housing Market Study because a market study has now been conducted. Revised Program 18 is an implementation program to monitor the inventory of affordable housing.

Proposed Changes to the Draft Zoning Maps and General Plan Land Use Map

The following section outlines updates to the Draft Zoning Maps and General Plan Land Use Map:

- Parcels with Assessor Parcel Numbers 5410009901 and 5410009907 were changed from the zone [VF2-WH1-4][P1-FA][CPIO] to the zone [LM4-WH1-4][P2-FA][CPIO].
- Parcel with Assessor Parcel Number 5172015900 (361 S. Anderson Street) was changed from the zone [VM2-WH1-4][IX5-FA][CPIO] to the zone [LM4-WH1-4][P2-FA][CPIO], and from Light Industrial to Public Facilities.
- Parcels with Assessor Parcel Number 5171015906 and 5171015905 were changed from the zone [VM1-GW1-3][IX5-FA][CPIO] to the zone [LM4-WH1-4][P2-FA][CPIO], and from Light Industrial to Public Facilities.
- Parcel with Assessor Parcel Number 5180008908 (318 N. Mathews Street) was changed from the zone [LN1-MU3-4][RX2-6][CPIO] to the zone [VF2-WH1-4][OS1-N][CPIO] and from Medium Neighborhood Residential to Open Space.
- Parcel located at 2900 Calle Pedro Infante was changed from the zone [VN1-MU3-3][RX2-2L][CPIO] to [LM3-G2-4][CX2-8][CPIO], and from Low Neighborhood Residential to Neighborhood Center.

- Parcels on the south side of 1st Street between Mathews Street and Fickett Street were changed from the zone [LM6-SH3-4][CX2-4][CPIO] to [LM6-SH3-4][CX5-4][CPIO], and no change to the general plan land use designation.
- Parcels along the south side of Olympic Boulevard from approximately Orme Avenue to Esperanza Street changed from Form District LM4 to VM2, resulting in no change in the Base FAR and eliminating the Bonus FAR.
- Technical Correction to change Form District for parcels located between Indiana St, 6th St, and the 60 Freeway from VN2 to VN1.
- Parcels on Evergreen Avenue from Blanchard Street to Winter Street changed from Use District RX2 to RX1 to reflect existing use.
- Technical Correction to change Density District for parcels along southern side of 2nd Street between Chicago Street and Breed Street from “8” to “6”.
- Development Standards District 4 is expanded to apply to all properties within a ½ mile radius of a Metro L or J Line station.

Proposed Changes to the New Zoning Code

Article 1 – Changes to Introductory Provisions:

- Introduce definition and Zoning Code Map of areas within ½ mile radius of a Major Transit Stop
- Change the provision for annexed or unzoned parcels to be classified as [VN1-MU3-3][RG2-1L].

Article 2 – Changes to Form Districts:

- VN1: Removed bonus FAR because this Form District is only applied to 1L and 2L densities, which are not eligible for the Community Benefits Program.

Article 3 – Changes to Frontage Districts:

- Shopfront Frontages: Change Shopfront Districts to allow A2 fence type (up to 3.5 feet)
- Frontage Yard Fence & Wall: updated subsection where fences and walls provided within the frontage yard shall not include barbed wire or concertina wire

Article 4 – Changes to Standards Districts:

- Transition Screens: Updated standards for any required Transition Screen to not allow barbed wire or concertina wire
- Outdoor Storage Screening Types: Standards updated to require that fences and walls in S-Screens shall be constructed of non-combustible materials
- Outdoor Storage Screening Types: S-Screen Type 2 updated to require outdoor storage be covered and to increase fence/wall height to 8-feet minimum
- District 4: Updated to Parking Set A (no parking required), and updated intent statement to reflect requirements from AB 2097
- Freeway Adjacency section added to the Environmental Protections section: Inform the public of health risks associated with vehicle exhaust and particulate matter; applicability to all new construction and site modification. This carries forward a requirement from the Clean Up Green Up Ordinance:

*Standards:**1. Required Signs*

Any government owned, leased or operated building, or public park located within 1,000 feet of a freeway shall post a sign to notify the public as follows:

- a. "NOTICE: Air pollution studies show a strong link between the chronic exposure of populations to vehicle exhaust and particulate matter from major roads and freeways and elevated risk of adverse health impacts, particularly in sensitive populations such as young children and older adults. Areas located within 500 feet of the freeway are known to experience the greatest concentration of ultrafine particulate matter and other pollutants implicated in asthma and other health conditions."*
- b. The sign shall be posted at a shared main entrance or shared facility. Public parks shall post signage in restrooms. The sign must meet the following requirements:*
 - (1) A minimum size of 8.5" x 11"*
 - (2) Garamond bold condensed font type at 28 point size*
 - (3) English or English and Spanish*
 - (4) Durable sign made from plastic or aluminum or other hard surface, and*

(5) *Fixed to a wall, door, or other physical structure*

2. *Required Screening*

Any property abutting a freeway is subject to the screening requirements specified in Sec. 4C.8.2.C.2. (Freeway Screening).

3. *Measurement*

Reserved.

4. *Relief*

1. *Deviation from any freeway adjacency standard may be requested as a variance in accordance with Sec. 13B.5.3 (Variance).*

2. *Deviation from freeway screening requirements may be requested as specified in Sec. 4C.8.2.E. (Relief).*

Article 5 - Changes to Use Districts:

- Use District IX5: Added two supplemental procedures to Use Standard for Joint Living & Work Quarters (JLWQ):

Joint Living & Work Quarters

- *In addition to the findings otherwise required by Sec. 13.B.2.1. (Class 1 Conditional Use Permit), the Zoning Administrator shall also find:*
 - i. *that the uses of property surrounding the proposed location of the joint living and work quarters and the use of the proposed location will not be detrimental to the health, safety and welfare of prospective residents of the quarters; and*
 - ii. *that the proposed joint living and work quarters will not displace viable industrial uses and will not substantially lessen the likelihood that the property will be available in the future for industrial uses.*
- *The Zoning Administrator shall also require:*
 - i. *that the authorized use shall be of no force and effect unless and until satisfactory evidence is presented to the Zoning Administrator for review and attachment to the file that a business tax registration certificate has been issued to each tenant by the Office of Finance pursuant to Los Angeles Administrative Code Section 21.03 permitting those persons to engage in business as artists or artisans; and*
 - ii. *that one or more signs or symbols of a size and design approved by the Fire Department shall be placed by the applicant at designated locations on the exterior of each building*

approved as joint living and work quarters to indicate that these buildings are used for residential purposes.

- RG, RX, CX, and IX Districts: Recycling Facilities-Collection changed from C2* to P* permission level
- Updated table for IX and I Districts: Ensures Use Standard for fully indoor enclosures applies to all Light Industrial Uses regardless of abutting use
- Motor Vehicles Services Uses: “General Motor Vehicle Services” use group is now broken down into light and heavy uses
- Across Use Districts: Add “Residential-Mixed Use Districts” into use/building separation requirements whenever we have a “Residential Use District” listed

Article 6 - Changes to Density Districts:

- Density Changes to Lot Based Districts for Efficiency Dwelling Units:

**Table 1.0-1
Density Changes for Efficiency Dwelling Units**

Density District	Lot Area Per Efficiency Dwelling Unit (Sec. 6C.1.3) – Summer 2022 Draft	Updated Lot Area Per Efficiency Dwelling Unit (Sec. 6C.1.3) – Spring 2023 Draft
10	500	1000
12	600	1200
15	750	1500
20	1000	2000
25	1250	2500
30	1500	3000
40	2000	4000
50	2500	5000
60	3000	6000

Source: DCP, July 2023.

Article 9 – Changes to the Community Benefits Program:

- During the April 20, 2023 City Planning Commission public hearing the Commission recommended an amendment to Article 9 (Community Benefits) of the New Zoning Code to introduce 10% Acutely Low Income Units to Set B of the Local Affordable Housing Program.

Updates to the Boyle Heights Community Plan Implementation Overlay (CPIO)

A few modifications were made to the Boyle Heights CPIO in response to feedback from stakeholders during the public hearing on October 27, 2022, based on feedback from the Cultural Heritage Commission in December 2022, and from the City Planning Commission during its meeting on the Proposed Plan on April 20, 2023.

Changes to CPIO Subarea A:

- Added an exemption so housing projects that provide 100% affordable units, exclusive of a manager's unit, do not have to meet the requirement to provide 30% of the units in a project with 2 or more bedrooms.
- Clarified that all units in an Eligible Housing Development using the Boyle Heights Community Benefits System must meet the definition of a "household dwelling unit" as defined in LAMC Ch. 1A Div. 14.2.

Changes to CPIO Subarea B:

- Expanded Subarea B to include the following: properties within the Historic Brooklyn Avenue Neighborhood Corridor (Historic Cultural Monument #590); properties within the Hostetter and Anderson Industrial Tracts; additional residential parcels generally bounded by 6th Street, Boyle Avenue, Whittier Boulevard, and Soto Street; and Estrada Courts.

Changes to CPIO Subarea D:

- Expanded Subarea D to include the following publicly owned properties: 361 S. Anderson Street; and Assessor Parcel Numbers 5410009901, 5410009907, 5171015906, and 5171015905.

1.8 ENVIRONMENTAL IMPACTS OF MODIFICATIONS AND TECHNICAL REFINEMENTS TO THE PROPOSED PLAN

The modifications and technical refinements to the Proposed Plan include items such as:

- Minor changes to the *General Plan* designation and zoning maps for parcels that are publicly owned or were recently developed as a public park.

- Addition of policies and programs to: enhance tenant protections and minimize displacement; improve park facilities; and programs to address pedestrian access and safety, park space and green alleyways, and tree planting and cool pavement.
- Modifications to the Boyle Heights CPIO to add clarifying language for 100% affordable housing projects, addition of parcels to CPIO Subarea B to trigger an additional level of review for eligible historic resources, and the addition of publicly owned parcels to CPIO Subarea D to support and facilitate public serving uses and affordable housing.
- Modifications to Article 9 (Community Benefits) of the New Zoning Code to introduce 10% Acutely Low Income Units to Set B of the Local Affordable Housing Program.

The modifications would not result in notable physical changes with the potential to result in significant environmental impacts as they would not generally result in changes to allowable building size or density. The modifications would not result in necessary updates to the Reasonably Anticipated Development (RAD) considered in the DEIR. Of the zoning and land use changes outlined above, the total acres where zoning regulations have been changed totals 1.6% of the total land area of the Boyle Heights CPA. In addition, zoning and land use changes that could potentially result in slightly increased development potential were applied to approximately 18 acres of land across the CPA, and zoning and land use changes that could result in slightly reduced development potential from prior zoning drafts were applied to approximately 23 acres of land across the CPA. Further, no zoning changes resulted in increased Base FAR regulations that would result in substantial changes to building size or development. Further, it should be noted that while these changes occur at the parcel level, the overall development capacity of the CPA has not changed, either increased or decreased. As projects are developed and buildout of the Plan occurs, it is unlikely that all parcels with identified land use changes will be redeveloped or that parcels will be redeveloped to the full potential that the proposed zoning allows. The EIR for the Plan identifies and discloses impacts for the entirety of the CPA and does not identify any one parcel where impacts could occur, but rather identifies the types of impacts that could occur throughout the CPA as build out of the Plan occurs. Therefore, these modifications to the Proposed Plan are found to not result in new significant impacts or a substantial increase in the severity of an impact identified in the DEIR and are found to not constitute significant new information for purposes of *State CEQA Guidelines* Section 15088.5.

2.0 CORRECTIONS AND ADDITIONS

As required by California Environmental Quality Act (CEQA) Guidelines Section 15088, this chapter provides corrections or clarifications of certain statements in the Draft Environmental Impact Report (DEIR). The correction(s) and/or addition(s) do not constitute significant new information, because none of the defined criteria in 15088.5(a) would be met, including that the correction(s) or addition(s) would not result in new significant impacts or a substantial increase in the severity of any impact already identified in the DEIR. Specifically, Section 15088.5(a) defines significant new information which requires recirculation to be any of the following:

1. A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.
2. A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.
3. A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project, but the project's proponents decline to adopt it.
4. The DEIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

Corrections or information has been added to the DEIR pursuant to *State CEQA Guidelines* Section 15132, as part of the preparation of the Final EIR (FEIR). Additions to the text of the DEIR are shown by underline and deletions from the text of the DEIR are shown by strikethrough unless otherwise described. Where mitigation measures are replaced or revised, the replacement or revised measures are listed under the relevant impact section; however, the revisions also apply to mitigation measures listed in the Executive Summary. As noted above, the following corrections and additions included herein involve minor modifications that clarify or amplify information contained in the DEIR and none would result in new or more severe significant impacts from those identified in the DEIR impact analysis or conclusions.

Staff Initiated Text Changes

Since the publication of the DEIR, the Metro Regional Connector was opened on June 16, 2023; and the Metro L Line was renamed as the Metro E Line. The following revision has been made globally throughout the EIR:

~~Metro L Line~~ Metro E Line

4.2 Air Quality

Page 4.2-57 – Revise the second paragraph under “4.2.4 Impact 4.2-3; Operations” to read as follows:

Using the regional toxic air contaminants emissions inventory and monitored concentrations at 10 locations throughout its jurisdiction, the SCAQMD determined that the population-weighted average carcinogenic risk within the South Coast Air Basin decreased by approximately 57 percent (from 853 per million to 367 per million) between the 2002–2004 monitoring period (MATES III) and the 2012–2013 monitoring period (MATES IV). Furthermore, MATES V concludes that the levels of air toxics continued to decline compared to previous MATES iterations with the air toxics cancer risk at the MATES V monitoring locations ranging from 585 to 842 per million. MATES V concluded that toxic air pollution in the South Coast Air Basin has decreased by more than 54 percent between 2012 (MATES IV) and 2018. As the regional vehicle fleet turns over and older vehicles are replaced with newer ones, improvements to fuel efficiency and engine technologies will continue to result in decreases in ambient carcinogenic risk throughout the South Coast Air Basin and the City of Los Angeles.

Page 4.2-62 – Add the following after the second paragraph under “Mitigation Measure MM AQ-9”:

AQ-10:

CERP Coordination with ELABHWC

- a. **Applicability Threshold:** Any discretionary project within an AB 617 neighborhood related to Actions identified in the CERP (any project generating more than 100 truck trips per day; railyards; metal processing; rendering facilities; autobody shops; projects greater than an acre within 500 feet of schools, childcare facilities, etc.; industrial facilities including waste transfer).
- b. **Standard:** Applicants to coordinate directly with SCAQMD to identify project design features and City to coordinate with SCAQMD to ensure that proposed projects do not conflict with the CERP for ELABHWC and identify mitigation measures as appropriate.

4.4 Cultural Resources

Page 4.4-13 – Revise Table 4.4-1 as follows:

**Table 4.4-1
Historic Cultural Monuments (HCMs) within the Boyle Heights CPA**

Name	Address	HCM #
6 th Street Wooden Bridge Across Hollenbeck Park Lake*	Hollenbeck Park Lake	LA-54
Residence*	1620 Pleasant Avenue	LA-97
Residence	1030 Cesar E. Chavez Avenue	LA-102
Residence	2700 Eagle Street	LA-262
Bridge at Fourth and Lorena Streets	4 th Street	LA-265
Malabar Branch Library	2801 E. Wabash Avenue	LA-304
Breed Street Shul	241-247 N. Breed Street	LA-359
Nineteenth Century Los Angeles Chinese Cemetery Shrine	204 N. Evergreen Street	LA-486
Brooklyn Avenue Neighborhood Corridor	Cesar E. Chavez Avenue	LA-590
Santa Fe Hospital	610 S. St. Louis Street	LA-713
Sears, Roebuck & Company Mail Order Building	2560 E. Olympic Boulevard	LA-788
Boyle Hotel	101 – 105 North Boyle Avenue	LA-891
Olympic Street Bridge		LA-902
Washington Boulevard Bridge	E. Washington Boulevard between Soto Street and E. 23 rd Street	LA-903
4 th Street Bridge		LA-904
Sixth Street Bridge*	E. 6 th Street between Mateo Street and S Boyle Avenue	LA-905
1 st Street Viaduct		LA-909
Gless Farmhouse	131 South Boyle Avenue	LA-982
Japanese Hospital	101 S. Fickett Street	LA-1131
International Institute	435-455 South Boyle	LA-1224
Nishiyama Residence/Otomisan Japanese Restaurant	2504-08 E. 1 st Street	LA-1250
<u>Los Cinco Puntos/Five Points Memorial</u>	<u>East Cesar E. Chavez Avenue, North Indiana Street, and North Lorena Street</u>	

* Sites of demolished historic properties

Source: City of Los Angeles, Department of City Planning, Historic-Cultural Monument Report, Boyle Heights, updated on May 5, 2021. Available online at: https://planning.lacity.org/odocument/24f6fce7-f73d-4bca-87bc-c77ed3fc5d4f/Historical_Cultural_Monuments_List.pdf, accessed on September 17, 2021.

4.13 Public Services and Recreation

Pages 4.13-57 and 4.13-58 – Revise the first paragraph under “4.13.6.1 Existing Environmental Setting” to read as follows:

The City of Los Angeles Department of Recreation and Parks manage and provide parks and recreational services throughout the City. City park and recreation facilities include more than 16,000 acres of parkland with over 444 park sites, including athletic fields, ~~422-411~~ playgrounds, ~~321-319~~ tennis courts, ~~184-123~~ recreation centers, ~~72~~ over 130 outdoor fitness areas, ~~62-59~~ swimming pools and aquatic centers, ~~30-29~~ senior centers, ~~26-27~~ skate parks, 13 golf courses, 12 museums, and ~~9~~ 13 dog parks. In addition, the Department of Recreation and Parks also operates 187 summer youth camps and supports the Summer Night Lights gang reduction and community intervention program.

Page 4.13-58 – Update footnote reference numbers 52 and 53 to both read as follows:

Los Angeles County Department of Parks and Recreation. East Los Angeles Community Parks and Recreation Plan. Available online at: http://file.lacounty.gov/SDSInter/dpr/240511_EastLACommunityPlanReduced.pdf, accessed November 23, 2022.

Page 4.13-58 – Revise the third paragraph under “4.13.6.1 Existing Environmental Setting” to read as follows:

In general, Boyle Heights is mostly built out and contains few areas of natural open space. Land designated Open Space consists of approximately 5 percent (149.3 acres) of the total area in the CPA, with the most significant civic open space being Hollenbeck Park. Currently, there are ~~46~~ 15 parks and recreational facilities located within the CPA that immediately serve the residents. These include 0 regional parks, ~~4~~ 12 community parks, ~~42~~ and 3 neighborhood parks, and ~~3~~ pocket parks as shown in **Table 4.13-16. Figure 4.13-4, Parks, Open Space, and Recreational Facilities in the Community Plan Area**, shows the locations of the parks and recreational facilities within the Boyle Heights CPA boundaries.

Page 4.13-58 – Revise the fourth paragraph under “4.13.6.1 Existing Environmental Setting” to read as follows:

The City's Public Recreation Plan states that to meet long-range recreational standards, a project must have a minimum of two acres of neighborhood and community recreational facilities for every 1,000 persons and a minimum of two acres of neighborhood and local recreational facilities for every 1,000 persons.⁵³ Local recreation standards are long-range and may not be reached during the life of a Community Plan. As shown in **Table 4.13-16**, approximately ~~54~~ 57 acres of recreational facilities are located within the CPA, consisting of 0 acres of regional park facilities,

⁵³ City of Los Angeles, *General Plan Public Recreation Plan*, 1980. Accessed July 2021.
https://planning.lacity.org/Code_Studies/GeneralElement/PublicRecreationPlan.pdf

20.5 ~~54~~ acres of community parks, ~~33~~ and 3 acres of neighborhood parks, and ~~0.4~~ acres of pocket parks.

Page 4.13-60 – Replace Table 4.13-16 with the following:

**Table 4.13-16
Parks, Open Space, and Recreational Facilities in the Community Plan Area**

No.	Name	Location	Facility Type	Acres
6	Hollenbeck Park and Skate Park		Community Park	20.5 <u>18.3</u>
14	State Street Recreational Center		Community Neighborhood Park	2.6
15	Wabash Recreational Area		Community Neighborhood Park	1.9
10	Pecan Recreation Center		Community Neighborhood Park	4.3
12	Roosevelt Pool		Community Neighborhood Park	1.5
5	Boyle Heights Senior Citizen Center		Community Neighborhood Park	-
4	Evergreen Child Care Center		Community Neighborhood Park	-
3	Evergreen Recreation Center		Community Neighborhood Park	5.4 <u>6.7</u>
2	Boyle Heights Sports Center		Community Neighborhood Park	7.2 <u>8.7</u>
9	Msgr. Ramon Garcia Recreation Center		Community Neighborhood Park	5.7 <u>6.5</u>
8	Costello Senior Citizen Center		Community Neighborhood Park	4.7 <u>3.5</u>
			Community Park Subtotal	20.5 <u>53.8</u>
11	Prospect Park		Neighborhood Park	2.7
13	Ross Valencia Community Park		Neighborhood Pocket Park	0.1
1	Aliso-Pico Recreation Center		Neighborhood Pocket Park	0.2
			Neighborhood Park Subtotal	33 <u>3.0</u>
			Parks and Recreation Total	53.8 <u>56.8</u>

Note:

~~Pocket Park (less than 1 acre);~~ Neighborhood Park (1-10 acres); Community Park (10-50 acres); Regional Park (over 50 acres)

~~The Aliso-Pico Recreation Center is owned and operated by the Housing Authority of the City of Los Angeles.~~

Source:

City of Los Angeles Department of Recreation and Parks, Los Angeles County GIS Data Portal, zimas.lacity.org and Impact Sciences, 2017;

Los Angeles Countywide Comprehensive Park & Recreation Needs Assessment Appendix A 2020. Available online at:

<https://opr.ca.gov/docs/20200624-PlanningForHealth-LosAngeles-case-study.pdf>, accessed on October 6, 2021.

Page 4.13-60 – Revise the fifth paragraph under “4.13.6.1 Existing Environmental Setting” to read as follows:

Using factors from the Public Recreation Plan, existing demand is for approximately 850 acres of recreational facilities in the CPA, as detailed in **Table 4.13-17**. Currently, there is not a sufficient amount of total recreational acreage available in sum of pocket, neighborhood, community, and regional parks/recreational facilities. Based on the City’s standards, there is a deficit of 137 acres of neighborhood parks and 119.5 acres of community parks in the CPA. No regional parks are located in the CPA. The nearest regional parks which serve the residents of the CPA are Elysian Park, located approximately 0.7 miles northwest, and Debs Park, located approximately 2.3 miles northeast. The City has a parkland acres-to-population ratio of 4.23 acres per 1,000 residents. The CPA has an overall parkland acres-to-population ratio of 0.6 acres per 1,000 residents. The parkland acres-to-population ratio of neighborhood and community parks is also 0.6 acres per 1,000 residents (there are no regional parks in the Plan Area).

Page 4.13-61 – Revise Table 4.13-17 as follows:

Table 4.13-17
Existing Demand for Parks and Recreational Facilities in the Boyle Heights Community Plan Area

Recreational Facility Type	Population (2016)	Demand per 1,000 residents	Demand for Recreational Facilities ¹	Acres of Recreational Space Available	Acres of Surplus ²	Demand Met
Pocket Parks	86,000	--	0.4	--	--	--
Neighborhood Parks		2 acres	172 acres	33 3.0	(139 169)	No
Community Parks		2 acres	172 acres	20.5 53.8	(151.5 118.2)	No
Regional Parks		6 acres	516 acres	0	(516)	Yes*
Total		10 acres	860 acres	53.8 56.8	(806.5 803.2)	No

Source: Impact Sciences, 2023.

* Regional Park service is measured on a citywide basis. There are adequate regional parks within the City of Los Angeles.

-- indicates information is not available.

1 Existing demand is based on open space provisions as provided for each facility type by the City of Los Angeles Public Recreation Plan (i.e., 2 acres for every 1,000 residents for neighborhood facilities; 2 acres for every 1,000 residents for community facilities; 6 acres for every 1,000 residents for regional parks).

2 Parenthesis () denotes a deficient acreage.

Page 4.13-61 – Revise the sixth paragraph under “4.13.6.1 Existing Environmental Setting” to read as follows:

As a response to the need for additional park and recreational facilities, Department of Recreation and Parks has implemented the 50 Parks Initiative which aims to better meet the park and recreational needs of the City’s diverse communities by substantially increasing the number of

citywide facilities, with a specific focus on densely-populated neighborhoods and communities lacking sufficient park space and recreational facilities.⁵⁴ The Department of Recreation and Parks is currently seeking opportunities to expand parkland within the CPA ~~but has not yet currently identified specific parcels for acquisition of development including a new neighborhood park called "Brooklyn Heights Park" located at 318 North Mathews St, which is currently under construction.~~

Page 4.13-62 – Revise the first paragraph under “4.13.6.2 Regulatory Framework” to read as follows:

There are several plans, regulations, and programs that include policies, requirements, and guidelines regarding Recreation at the state and local levels. As described below, these plans, guidelines, and laws include the following:

- Quimby Act
- Mitigation Fee Act
- State Public Park Preservation Act of 1971 (PRC Section 5400-5409)
- City of Los Angeles Charter
- City of Los Angeles General Plan
- Los Angeles Municipal Code
- Los Angeles Department of Recreation and Parks 2009 Citywide Community Needs Assessment
- Department of Recreation and Parks 50 Parks Initiative
- Park Proud LA Strategic Plan 2018-2022
- L.A.’s Green New Deal

Page 4.13-62 – Revise the second paragraph under “4.13.6.2 Regulatory Framework” to read as follows:

Quimby Act. California Government Code Section 66477, also known as the Quimby Act, was enacted by the California legislature in 1965. The Quimby Act authorizes cities and counties to enact ordinances requiring the dedication of land, or the payment of fees for park and/or recreational facilities in lieu thereof, or both, by developers of residential subdivisions as a condition to the approval of a tentative tract map or parcel map. As discussed below, the City implemented the Quimby Act in the City through the adoption of Los Angeles Municipal Code (LAMC) Sections 17.12, 12.33 and 19.17. LAMC Section 12.33 was updated in Sept 2016 under Ordinance 184,505 to include the creation of a Park Impact Fee.

Mitigation Fee Act. California Government Code Section 66000, also known as the Mitigation Fee Act, was enacted by California legislature in 1987. The Mitigation Fee Act allows municipalities to impose fees on specific development projects to defray the cost of new or additional public facilities that are needed to serve those developments. The City of Los Angeles imposes a Park Impact Fee for non-subdivision projects.

⁵⁴ City of Los Angeles Department of Recreation and Parks, Department of Recreation and Parks New Parks Initiative, Available online at: <http://www.laparks.org/50parks>, accessed October 2017.

Page 4.13-68 – Add the following after the second paragraph under “4.13.6.2 Regulatory Framework”:

L.A.’s Green New Deal. Following the 2015 adoption of the City of Los Angeles’s first Sustainable City pLAN a commitment was made to provide annual progress reports and major updates to the pLAN every four years. The 2019 L.A.’s Green New Deal is the four-year update and provides an expanded vision to the 2015 pLAN. The Green New Deal aims to secure clean air and water and a stable climate, improve community resilience, expand access to healthy food and open space, and promote justice for all.

Page 4.13-70 – Revise the second paragraph under “Impact 4.13-5” to read as follows:

Developers of future residential projects in the CPA would be required to pay park mitigation fees (for non-subdivision projects) or dedicate land or pay Quimby in-lieu fees (for subdivision projects). Park fee amounts are reviewed and updated annually by the City. Payment of impact fees and the anticipated enhancement ~~or maintenance~~ of facilities with funds provided by these fees would help offset the deterioration of existing recreational facilities.

Page 4.13-70 – Revise the third paragraph under “Impact 4.13-5” to read as follows:

The Proposed Plan aims to broaden the application of public realm and open space strategies to include major streets, the Los Angeles River, and local cemeteries. The Plan envisions a diverse and integrated network of pedestrian pathways, paseos, plazas, green spaces, and landscaped streets that foster social life and support community identity. In addition, the Sixth Street Viaduct is expected to be completed in 2022, and RAP is seeking additional opportunities to expand park opportunities within the CPA through construction of the 6th Street Park, River, Arts & Connectivity (PARC) Project. Additionally, RAP is constructing a new neighborhood park in the CPA called “Brooklyn Heights Park.” This park, which is currently under construction, is approximately 0.19 acres and will provide a children’s play area, fitness equipment, walking paths, and a plaza for the surrounding community. Brooklyn Heights Park is anticipated to be completed in the first quarter of 2023. Moreover, future implementation actions specifically Public Realm and Open Space Policy 12 aims to revitalize the area adjacent to the Los Angeles River consistent with the LA River Revitalization Master Plan to restore and revitalize an 11-mile stretch of the Los Angeles River, while prioritizing public access to this public resource in densely populated communities such as Boyle Heights. The new zoning Frontage District requires that buildings have frequent breaks between them to increase pedestrian access as well as promote visual connections to the River. Landscaped buffers on frontages facing the River and transparency features embed existing regulations found in the River Improvement Overlay (RIO) into the zoning and aim to bring more public green space to developments near the Los Angeles River. The Plan also envisions more public and open space created through private development projects, through a requirement for Lot Amenity space on each development site and provides an incentive for developments that make the Lot Amenity space publicly accessible.

Page 4.13-72 – Revise the first paragraph under “Impact 4.13-5” to read as follows:

To meet long-range recreational standards identified in the City's Public Recreation Plan, a minimum of two acres of neighborhood and community recreational facilities for every 1,000

persons should be provided to the community.⁵⁵ To meet short- and intermediate-range recreational standards, a minimum of ~~one~~ two acres of neighborhood and community parks for every 1,000 persons, and 6 acres per 1,000 residents for regional parks. The population of the CPA is anticipated to increase to approximately 115,000 people in 2040, which is an incremental increase of 29,000 people.

Page 4.13-72 – Revise the second paragraph under “Impact 4.13-5” to read as follows:

As shown in **Table 4.13-19**, Reasonably Anticipated Development associated with the Proposed Plan would create demand for an additional 290 acres of park space within the CPA. Neighborhood parks are in an existing deficit of ~~139~~ 169 acres with ~~33~~ 3.0 acres of neighborhood parks currently available; the demand in 2040 would be for 58 additional acres. Thus, the demand is anticipated to not be met. Community parks are currently in an existing deficit of ~~151.5~~ 118.2 acres with ~~20.5~~ 53.8 acres of community parks available; the demand in year 2040 would be for an additional 58 acres. Thus, the demand is not anticipated to be met. Demand for regional parks is currently being met on a citywide basis. There are several parks within the vicinity of the CPA, such as Elysian Park, Debs Park, and Griffith Park, which all serve residents of the CPA. Within the CPA, the Sixth Street Viaduct is currently under construction and expected to be completed in 2022. The Sixth Street viaduct project will construct a 12-acre Park, Arts, River, and Connectivity (PARC) improvement project that will connect Boyle Heights and the Arts District. Additionally, the Brooklyn Heights Park is anticipated to be opened in 2023. The approximately 12-acres of open and recreational space will alleviate some of the park deficit within the CPA and are assumed within the 2040 demand.

Page 4.13-72 – Revise Table 4.13-19 as follows:

Table 4.13-19
Future (2040) Demand for Recreational Facilities in the Community Plan Area

Facility	Reasonably Anticipated Development	Demand for Recreational Facilities per 1,000 ¹	Acres of Recreational Space Available	Existing Deficit (2016)	Additional Acres of Demand in 2040	Demand Met
Pocket Parks	115,000 population	–	0.4	–	–	–
Neighborhood Parks		2 acres	33 <u>3.0</u>	139	58	No
Community Parks		2 acres	20.5 <u>53.8</u>	151.5	58	No
Regional Parks		6 acres	0	516	174	No
TOTAL		10 acres	53.8 <u>56.8</u>	806.5 <u>803.2</u>	290	No

Note:

¹ Recommended standard per the City of Los Angeles Public Recreation Plan (i.e., 2 acres for every 1,000 residents for neighborhood facilities; 2 acres for every 1,000 residents for community facilities; 6 acres for every 1,000 residents for regional parks).

Source: Impact Sciences, 2021

⁵⁵ City of Los Angeles, *General Plan Public Recreation Plan*, 1980.
https://planning.lacity.org/Code_Studies/GeneralElement/PublicRecreationPlan.pdf

Page 4.13-73 – Revise the sixteenth paragraph under “Impact 4.13-5” to read as follows:

The Quimby Act requires developers of residential projects (except affordable housing units and second dwelling units) to dedicate land for park and recreation purposes, or pay a fee in lieu thereof, ~~prior to obtaining a permit.~~ Quimby (Subdivision Fees) are paid prior to the recordation of the subdivision map. Non-subdivision Park Fees are collected prior to the issuance of the Certificate of Occupancy. As discussed above, the city collects fees, will require open space under updated fee and Quimby program, but there is not adequate land at reasonable costs to meet the City’s park needs. The City has not identified any feasible mitigation to address the impact related to deterioration of existing parks.

Page 4.13-73 – Revise the first paragraph under “Mitigation Measures” to read as follows:

The Quimby Act requires developers of residential projects (except affordable housing units and second dwelling units) to dedicate land for park and recreation purposes, or pay a fee in lieu thereof, prior to obtaining a permit. As discussed above, the city collects fees, will require open space under updated fee and Quimby program, but there is not adequate land at reasonable costs to meet the City’s park needs. The Boyle Heights CPA is primarily built out and does not contain large swaths of open space that would be sufficient to meet the existing deficit, as well as the additional demand created by the Proposed Plan. As a result, the City has not identified any feasible mitigation to address the impact related to deterioration of existing parks.

Page 4.13-74 – Revise the second paragraph under “Impact 4.13-6” to read as follows:

The 50 Parks Initiative exemplifies the kind of park facilities the City is currently implementing and is likely to continue implementing in the dense urban areas of Los Angeles. Most of the parks are ~~pocket~~ parks less than an acre in size with playground structures and exercise machines. These parks typically include zero or minimal structures and green space, and, because they are intended to serve the local community and be accessible by foot and bike, do not provide parking. The construction and operation of such small-scale facilities would be expected to have minimal environmental impacts. For example, it is anticipated that these parks would be located on vacant lots lacking biological or cultural resources; generate minimal vehicle traffic to the site, which would limit air quality, greenhouse gas, noise, and transportation impacts; and be able to accommodate a limited number of people due to their small size, which would reduce park noise levels.

Page 4.13-75 – Revise the second paragraph under “Section 4.13-6 Cumulative Impacts” to read as follows:

With respect to the construction of new parks, the City is currently in the process of constructing new parks and recreational facilities to serve its residents, as exemplified by the 50 Parks Initiative, and is anticipated to continue to do so in the future to meet increasing demand for parks. The City has approved the development of Sixth Street PARC (Park, Arts, River, and Connectivity Improvements), a 12-acre recreational space under the Sixth Street Viaduct, as well as Brooklyn Heights Park. ~~Construction is expected to begin in 2022.~~ Expansion or construction of new ~~pocket~~, neighborhood, community, and regional parks, or other recreational facilities such as the Sixth Street PARC and Brooklyn Heights Parks, would have physical impacts to the environment (e.g., emissions of air pollutants, aesthetics impacts, noise impacts) that may be cumulatively significant.

However, these impacts are likely to be localized and construction is not likely to overlap. As a result, it is not anticipated that the Proposed Plan will result in cumulative impacts.

4.16 Utilities and Service Systems

Page 4.16-39 – Revise the first paragraph under “Section 4.16.3-1 Wastewater Treatment” to read as follows:

City wastewater is treated at several wastewater treatment facilities: the HTP located in Playa del Rey; the TIWRP located in San Pedro; the DCTWRP located in Van Nuys; ~~and~~ the LAGWRP located in Los Angeles, adjacent to the City of Glendale; and the Joint Water Pollution Control Plan located in the City of Carson. Each of these treatment plants is capable of treating a maximum of approximately 450, 30, 80, ~~and~~ 20, and 400 mgd of wastewater, respectively, and experience average daily flows of 260, 15, 45, ~~and~~ 20, and 243 mgd, respectively.

3.0 RESPONSES TO COMMENTS

This section includes comments received during the circulation of the Draft Environmental Impact Report (“DEIR” or “Draft EIR”) prepared for the Boyle Heights Community Plan Update (hereafter referred to as “Proposed Plan”). The comment letters were submitted to the City of Los Angeles by public agencies, tribes, organizations, and private citizens. Responses to written comments received have been prepared to address the environmental concerns raised by the commenters and to indicate where and how the Draft EIR addresses pertinent environmental issues. Any changes made to the text of the DEIR correcting information, data, or intent, other than minor typographical corrections or minor working changes, are noted in **Section 2.0, Corrections and Additions**.

The DEIR was submitted to the State Clearinghouse Office of Planning and Research and circulated for a 75-day public review, beginning on July 28, 2022, and ending on October 11, 2022.

The City received 15 comment letters during the DEIR public review period. Of these, three letters are directed exclusively at the Proposed Plan rather than the DEIR. A list of commenters on the DEIR is shown in **Table 3.0-1, List of Commenters on the DEIR**.

As discussed further in **Master Response 1: General Comments and Non-CEQA Issues**, below, CEQA only requires lead agencies to respond to comments that relate to significant environmental issues, including the adequacy of the analysis in the DEIR (*State CEQA Guidelines* Sections 15088 and 15204). As such, the City has not responded herein to comments that do not raise significant environmental issues and/or pertain to the adequacy of the DEIR.

The original bracketed comment letters are provided followed by a numbered response to each bracketed comment. Individual comments within each letter are numbered and the response is given a matching number. For the letters that pertain to the DEIR, each separate DEIR comment, if more than one, has been assigned a number. The responses to each DEIR comment identify first the number of the comment letter, and then the number assigned to each issue (Response 1-1, for example, indicates that the response is for the first issue raised in comment Letter No. 1). For the letters that pertain only partially to the DEIR, only the comments on the DEIR are bracketed and numbered. The letters that pertain only to the Proposed Plan and include no DEIR comments are included herein and provided to decision makers for their consideration, but as noted above, no response to these comments is included.

**Table 3.0-1
List of Commenters on the DEIR**

Letter Number	Organization	Commenter Name	Comment Date	Response Page Number
1	California Department of Transportation, District 7	Miya Edmonson	September 19, 2022	3.0-2
2	Los Angeles Department of Recreation and Park	Jimmy Kim Darryl Ford	September 22, 2022	3.0-5
3	Gabrieleno Band of Mission Indians - Kizh Nation	Andrew Salas	August 4, 2022	3.0-9
4	Los Angeles County Sanitation Districts	Mandy Huffman	September 22, 2022	3.0-11
5	Los Angeles Department of Water and Power	Charles Holloway	September 19, 2022	3.0-14
6	South Coast Air Quality Management District	Evelyn Aguilar	August 25, 2022	3.0-18
7	South Coast Air Quality Management District	Sam Wang	October 11, 2022	3.0-20
8	East Yard Communities for Environmental Justice	Mark Lopez	October 11, 2022	3.0-27
9	Eastside LEADS Coalition	Katie J.G. Mckeen	August 2, 2022	3.0-32
10	Eastside LEADS Coalition	Katie J.G. Mckeen	August 11, 2022	3.0-34
11	Eastside LEADS Coalition	Katie J.G. Mckeen	October 11, 2022	3.0-36
12	Gibson Dunn	Amy Forbes	October 11, 2022	3.0-46
13	Los Angeles Conservancy	Adrian Scott Fine	October 11, 2022	3.0-
14	Individual	Lucia Garcia	October 11, 2022	3.0-
15	Individual	Lucia Garcia	October 14, 2022	3.0-

3.1 MASTER RESPONSES TO COMMENTS ON THE DRAFT EIR

A number of the comments raise common issues relating to air quality, displacement, utilities, cultural and tribal resources, transportation and traffic, as well as general concerns and non-CEQA issues. Therefore, rather than responding to each comment on these topics individually, the following Master Responses have been prepared to provide single comprehensive responses to address comments that were brought up in multiple instances.

Master Response 1: General Comments and Non-CEQA Issues

Lead agencies need only respond to comments related to significant environmental issues associated with a project and do not need to provide all the information requested by commenters, as long as a good faith

effort at full disclosure is made in the EIR (*State CEQA Guidelines* Section 15204). Responses are not provided for comments that do not relate to significant environmental issues, including the adequacy of the analysis in the EIR; other issues raised by comments are generally addressed outside the CEQA process (*State CEQA Guidelines* Sections 15088 and 15204). These include comments that:

- Suggest changes to all or part of the Proposed Plan unrelated to significant environmental issues, including the adequacy of the EIR's analysis of significant environmental impacts.
- Express of support or opposition to the Proposed Plan that do not relate significant environmental issues, including the adequacy of the EIR's analysis of significant environmental impacts.
- Raise concerns or ask questions with specific features or provisions of the Proposed Plan that do not relate to significant environmental issues.

State CEQA Guidelines Section 15088 provides guidance on the preparation of response to comments and indicates that while lead agencies must evaluate all comments received on a Draft EIR they need only respond to comments related to significant environmental issues. *State CEQA Guidelines* Section 15204 further provides that lead agencies in responding to comments do not need to provide all the information requested by commenters, as long as a good faith effort at full disclosure is made in the EIR. *State CEQA Guidelines* Section 15204 recommends that commenters focus on the sufficiency of the EIR in identifying and analyzing the possible impacts on the environment and ways in which the significant effects of the project might be avoided or mitigated. Section 15204 further indicates that commenters should provide an explanation and evidence supporting their comments. Lead agencies are not obligated to undertake every suggestion given to them and are also not required to conduct every test or perform all research, study, and experimentation recommended by commenters (*State CEQA Guidelines* Section 15204). Under CEQA, the decision as to whether an environmental effect should be considered significant is reserved to the discretion of the lead agency based on substantial evidence in the record.

Opinions regarding the significance of environmental impacts already addressed in the EIR without additional substantial evidence in support of the opinions(s) do not require a response. Comments regarding topics not addressed by CEQA (e.g., purely socio-economic issues that the commenter does not relate to physical environmental impacts) are not addressed as part of the CEQA process.

The EIR is not intended or required to provide justification for the Proposed Plan nor is it a vehicle for making changes to the Proposed Plan with respect to the land use designation of individual properties absent the proposed change reducing one or more identified significant adverse environmental impact. Rather, the EIR is an informational document that is intended to provide public agencies and the public with detailed information about the effect that the Proposed Plan is likely to have on the environment.

Comments regarding suggested changes to the Project are not addressed in detail as part of the CEQA process unless such changes could result in reducing or avoiding a significant adverse environmental impact.

Expressions of opposition to, or support for, the Proposed Plan are made a part of the administrative record and forwarded to the decision-makers for their consideration in taking action on the Plan, but they require no further response.

Master Response 2: Displacement and Gentrification

The Boyle Heights Community Plan seeks to foster continued investment in Boyle Heights, create increased opportunities for mixed-income and mixed-use housing at or near major transit stops in order to serve all income levels, while supporting strategies to minimize displacement.

The reasonably foreseeable growth evaluated in the EIR could result in displacement as this growth is the projected net increase in housing units, population, and jobs expected through 2040. It is important to note that the 11,000 unit increase forecast through 2040 is not the “capacity” of the Boyle Heights Community Plan Area to accommodate housing. It is merely a reasonably foreseeable forecast of growth through that horizon year based on such factors as historic trends, forecasted regional growth, proposed land uses and planning staff expertise and judgement.

Displacement is addressed in Section 4.12, Population and Housing, under Impact 4.12-2, which evaluates potential displacement. The EIR analysis considers indicators of displacement risk (e.g., increasing land value), but there is no clear methodology to quantify displacement, or how, where, and to what extent displacement would occur.

As described on EIR page 4.12-32, the Proposed Plan would allow for new development and redevelopment projects in the Community Plan Area (CPA). No property owner would be required to redevelop a property. The Proposed Plan does not require any existing housing to be demolished or reduced in order to be consistent with the Proposed Plan’s land use designations and zoning. In effect, existing development on the ground could be maintained and established uses could continue to operate. Future development would be subject to the Proposed Plan once it is effective. That said, the CPA currently has approximately 22,000 housing units and is expected to increase to approximately 33,000 housing units by 2040, reasonably anticipated development from the Proposed Plan is expected to result in redevelopment that would likely result in the displacement of some existing housing units and residents, including homeless residents, during construction. However, the number of displaced units and residents and locations of any replacement housing, if needed, is too speculative to determine.

In limited instances, the Proposed Plan could potentially cause a temporary reduction in housing stock as new buildings are built in place of older ones or as existing buildings are renovated or expanded. This can be the case if individual property owners choose to demolish an existing residential building and redevelop to a more intense or dense development than existing currently.

While the EIR acknowledges that some displacement of existing housing units is likely to occur, the analysis also notes that the City has adopted a number of policies aimed specifically at minimizing displacement of affordable housing, that the Boyle Heights Community Plan would result in an overall increase in housing, including affordable housing, available in the Boyle Heights CPA, and that therefore displacement of housing requiring construction of new housing elsewhere to replace the displaced housing is not anticipated.

The Proposed Plan is specifically aimed at accommodating current and anticipated housing demand as well as changing demographics in the CPA. Although the number of existing units (including affordable units) that might be displaced by future development cannot be predicted with any degree of certainty, the Proposed Plan would increase the overall availability of housing in the CPA by 50% (11,000 units), and thus no need to construct new housing elsewhere.

Indirect displacement of people, including those with lower incomes, is a concern citywide. The rising cost of housing is currently a concern throughout the City, reflective of the shortage of housing in the City and the region as a whole. As population growth continues to outpace the production of housing units, the existing supply of housing is in higher demand which leads to higher rents/prices. Many renters are experiencing financial strain as average rents rise, and would-be homeowners watch as neighborhoods where home prices may have once been within their reach grow prohibitively expensive. This occurrence may result in displacement of renters and may result in the need for people that live in the CPA to move outside the CPA or potentially outside of the City. But there is no substantial evidence that there is a reasonable method to predict how many people may potentially be displaced in the CPA over the Plan horizon, including from new investment through redevelopment allowed or sought by the Proposed Plan. Additionally, there is no industry standard methodology available to forecast transportation, air, noise, or other impacts associated with people who have moved out of the CPA.

The Plan outlines several anti-displacement measures. In addition to introducing the Community Benefits Program to generate affordable housing in new development for all income levels within the Boyle Heights CPA, the Boyle Heights Community Plan includes a number of measures to minimize displacement of existing residents and businesses. The No Net Loss Program identified as a Future Implementation Program in Chapter 5 of the Plan Text would minimize the displacement of residents and ensure that there is no loss of affordable rental housing, covenanted or not, including affordable rent-stabilized units,

through the preservation of existing affordable housing, covenanted or not, or the production of new affordable housing.

Similarly, projects using the Boyle Heights Community Benefits affordable housing incentives would be required to replace the existing affordable units on a development site in compliance with Assembly Bill (AB) 2222. The Future Implementation Right to Return Program would ensure tenants of any residential unit subject to the Rent Stabilization Ordinance (RSO) or an On-Site Restricted Affordable Unit that is demolished or vacated for purposes of a proposed development project shall be granted First Right to Return for the replacement units. Incentives for affordable housing are proposed when mixed income housing units are included, such as FAR, density, and height. Additional benefits would be available when a development provides 100% affordable housing.

The Plan outlines several anti-displacement measures. The proposed “Community Benefits Program” of the Community Plan Implementation Overlay (CPIO) establishes incentives for affordable housing that are tailored to the needs of the community. For any project to utilize the optional Community Benefits Program and access these additional development rights (FAR, density, height, etc.), the project must set aside at least 11% of the total units in the project for Extremely Low-Income households; or 15% for Very Low Income Households; or 25% for Lower Income Households. Through the adoption process, the City Planning Commission has also recommended introducing an option for a developer to set aside 10% of the units for Acutely-Low Income households, making 0-15% of the Average Median Income (AMI). A project that provides 100% of the units as affordable would be eligible for greater incentives than mixed-income developments. Projects that utilize the Community Benefits Program would be required to provide a percentage of new units for larger households (two bedrooms or more per dwelling) and would be required to replace any lost dwelling units that were either Rent Stabilized under the City’s Rent Stabilization Ordinance, or that were covenanted Affordable Housing units.

In order to use the optional incentive program, an Eligible Housing Development must result in the construction or addition of five or more units to a development site. A developer or property owner may access incentives such as increases to density, FAR, or height; or reductions to parking requirements, setbacks, or lot coverage through a by-right process, in exchange for providing affordable housing.

In addition to introducing the Community Benefits Program to generate affordable housing in new development for all income levels within the Boyle Heights CPA, the Proposed Plan includes a number of measures to minimize displacement of existing residents and businesses. Policies include:

- LU 2.1** Discourage projects or renovations that decrease the number of existing residential units on site.

- LU 2.2 Limit the conversion of existing affordable and rent stabilized units into for-sale units in order to avoid reducing the supply of affordable rental units locally.
- LU 2.3 Discourage significant rent increases when not commensurate with substantial property improvements that result in improved living conditions for tenants.
- LU 2.4 Prioritize preservation and maintenance of the existing multi-unit housing stock as the foundation of the community’s affordable housing supply.
- LU 2.5 Support property owners in their efforts to operate and maintain affordable housing units in good and safe condition.
- LU 2.6 Support well-designed projects that modify, reconfigure, or add-on to existing residential buildings to accommodate additional housing units to alleviate overcrowding and avoid displacement.
- LU 2.7 Foster effective collaboration and coordination between City departments and tenant organizations working in Boyle Heights to identify displacement and eviction threats more quickly and effectively respond with adequate resources and strategies.
- LU 10.5 Encourage the retention of existing small businesses that strengthen the local economic base of the Community Plan Area to avoid displacement of small businesses.
- LU 18.7 Protect legacy businesses and cultural institutions from displacement.

The City also recently adopted an update to its Housing Element that includes a range of policies aimed at protecting and developing affordable housing. Finally, the State has adopted a number of bills aimed at protecting and developing affordable housing over the past several years. Notably, SB 330, the Housing Crisis Act, tightens the protections for development projects by limiting a jurisdiction's ability to change development standards and zoning applicable to the project once a preliminary application is submitted.

The Boyle Heights Community Plan seeks to preserve the affordability of existing housing stock and minimize displacement. Projects using Density Bonus Law, or the Boyle Heights CPIO’s Community Benefits Program affordable housing incentives would be required to replace the existing affordable units on a development site in compliance with Assembly Bill (AB) 2222. Additionally, the Housing Crisis Act of 2019, as amended by SB 8 (California Government Code Section 66300 et seq.), prohibits the approval of any proposed housing development project (“Project”) on a site (“Property”) that will require demolition of existing dwelling units or occupied or vacant “Protected Units” unless the Project replaces those units at

rents affordable to lower income tenants. These provisions will result in the retention of existing affordable units and a net gain of additional affordable units in the transit-rich areas of the Boyle Heights CPA.

Per the *State CEQA Guidelines*, socio-economic impacts including impacts to businesses are not considered impacts under CEQA unless such impacts could result in a physical environmental impact. The Proposed Plan recognizes the importance of small businesses, and includes several policies aimed at retaining and attracting new small businesses to the Plan Area. The Plan encourages commercial ground floor spaces designed to accommodate small tenant spaces for small businesses and seeks to develop programs that assist local entrepreneurs and minority owned businesses in need of capital funding to establish or expand small businesses in the community. The Proposed Plan explores the idea of a Community Land Trust to acquire land for the development of affordable housing and open space, or the protection of small businesses and renters. The Plan also includes the Small Business Assistance and Retention program, which assists small business owners and entrepreneurs in the form of low-interest loan programs, management assistance, business retention efforts, and the establishment of incubation centers. The Plan explores a process to offer right of return for small businesses displaced due to new development at similar rents prior to displacement. As a result, it is not anticipated that the Proposed Plan will have a significant effect on local small businesses.

3.2 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT PEIR

The original bracketed comment letters and numbered responses are provided on the following pages. Individual comments within each letter are numbered and the response is given a matching number.



SCH # 2016091010-Boyle Heights Community Plan

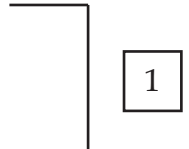
Lin, Alan S@DOT <alan.lin@dot.ca.gov>

Mon, Sep 19, 2022 at 1:51 PM

To: OPR State Clearinghouse <State.Clearinghouse@opr.ca.gov>, "boyleheightsplan@lacity.org"
<boyleheightsplan@lacity.org>

To Whom It May Concern,

Attached please find Caltrans comment letter!



Thank you for the opportunity to review this project.

Alan Lin, P.E.

Transportation Engineer, Civil

LDR, Division of Planning

State of California

Department of Transportation

Mail Station 16

[100 South Main Street](#)

[Los Angeles, CA 90012](#)

213-269-1124 Mobile

 **LA-2016-04013 Boyle Heights Community Plan Update-DEIR.pdf**
191K

DEPARTMENT OF TRANSPORTATION

DISTRICT 7
100 S. MAIN STREET, MS 16
LOS ANGELES, CA 90012
PHONE (213) 269-1124
FAX (213) 897-1337
TTY 711
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*Making Conservation
a California Way of Life*

September 19, 2022

Ernesto Gonzalez
Department of City Planning
City of Los Angeles
200 N. Spring Street, Room 667
Los Angeles, CA 90012

RE: Boyle Heights Community Plan
SCH # 2016091010
Vic. LA-101, LA-10, LA-05, LA-60
GTS # DEIR-2016-04013-DEIR

Dear Ernesto Gonzalez:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the above referenced environmental document. The Proposed Plan includes amending both the text of the Boyle Heights Community Plan and the General Plan Land Use Map of the Boyle Heights Community Plan. The Proposed Plan would also adopt several zoning ordinances to implement the updates to the Community Plan, including rezoning all parcels in the CPA to regulate specific uses and apply development standards (including height of structures, Floor Area Ratios, site configuration) using the New Zoning Code. Additional zoning ordinances include a Community Plan Implementation Overlay (CPIO) District. The Proposed Plan will accommodate forecasted housing, population, and employment growth in the CPA for the next 20 years. The Proposed Plan directs future growth to already urbanized areas of the CPA. The proposed changes largely follow the current pattern of land use development reflecting City policies to direct growth where it can be supported by existing transportation infrastructure. The Proposed Plan promotes a balance of housing units and jobs near transit where different types of land uses (e.g., commercial and residential) can be provided to reduce the length and number of vehicle trips.

The mission of Caltrans is to provide a safe and reliable transportation network that serves all people and respects the environment. Senate Bill 743 (2013) has codified into CEQA law and mandated that CEQA review of transportation impacts of proposed development be modified by using Vehicle Miles Traveled (VMT) as the primary metric in identifying transportation impacts for all future development projects. You may reference the Governor's Office of Planning and Research (OPR) for more information:

<http://opr.ca.gov/ceqa/updates/guidelines/>

As a reminder, VMT is the standard transportation analysis metric in CEQA for land use projects after July 1, 2020, which is the statewide implementation date.

3

Caltrans is aware of challenges that the region faces in identifying viable solutions to alleviating congestion on State and Local facilities. With limited room to expand vehicular capacity, all future developments should incorporate multi-modal and complete streets transportation elements that will actively promote alternatives to car use and better manage existing parking assets. Prioritizing and allocating space to efficient modes of travel such as bicycling and public transit can allow streets to transport more people in a fixed amount of right-of-way.

4

Caltrans supports the implementation of complete streets and pedestrian safety measures such as road diets and other traffic calming measures. Please note the Federal Highway Administration (FHWA) recognizes the road diet treatment as a proven safety countermeasure, and the cost of a road diet can be significantly reduced if implemented in tandem with routine street resurfacing. Overall, the environmental report should ensure all modes are served well by planning and development activities. This includes reducing single occupancy vehicle trips, ensuring safety, reducing vehicle miles traveled, supporting accessibility, and reducing greenhouse gas emissions.

VMT

The Traffic Impact Study prepared for the Proposed Plan concluded that the Citywide (2016 Baseline) average daily VMT per capita is 23.21, SCGA Region (2016) daily VMT per capita is 33.9, Future (2040) Proposed Plan Conditions VMT per capita is 21.6. Given that the Future Proposed Plan (21.6) is more than 15% below the 2016 SCAG Region (33.9) and less than the Citywide 2016 Baseline (23.21) for the Boyle Heights CPA. Since the Proposed Plan meets the City adopted threshold of not exceeding baseline conditions and is not more than 15% below the SCAG region, Caltrans concurs that the Proposed Plan would have less than significant impact with respect to VMT.

5

Bicycle Facilities and Pedestrian Facilities

The CPA includes of a network of bicycle facilities; pedestrian facilities primarily consist of sidewalks adjacent to roadways. Pedestrian access to transit in the CPA ranks above average for major transit stops/stations in Los Angeles County, with an average rating of 81 out of 100, as reported by WalkScore.com. Walk Score is a company that provides walk scores, transit scores, and bike scores for neighborhoods ranging from 0-100. A walk score is created by assessing the walkability of an area dependent upon how many errands can be completed by foot. Walking routes available in the area are assessed. Amenities with a five-minute walk proximity are scored the highest. Bike scores are created by evaluating available bicycle infrastructure available in an area, frequency of hills, the number of bicycle commuters, and road connectivity. All four components are weighted equally to create a bike score. Bicycle access to major transit stops in the area

6

is less robust, receiving an average score of 54 out of 100, as reported by WalkScore.com. Most roadways are aligned on a grid system providing multiple route options for traveling throughout the Project Area. Bicycle facilities are defined as off-street bicycle paths (Class I), on-street signed and striped bicycle lanes (Class II), on-street signed bicycle routes (Class III), and protected bicycle lanes or cycle tracks (Class IV). Cesar Chavez Avenue between Evergreen Avenue and St. Louis Street in Boyle Heights was one of the 15 corridors identified as part Great Streets Plan. Great Streets seeks to strengthen the linkages between Cesar Chavez and the nearby Metro L Line by improving the pedestrian and bicycle facilities in the area.

6

Transit

Metro's L Line provides high-speed local and regional transit connections both with the San Gabriel Valley and downtown Los Angeles, including a direct connection to Union Station. Other public transit service within the CPA consists primarily of local bus services linking riders to localized businesses and destinations. A relatively dense network of buses provides local access as well as first/last-mile connections to the Metro L Line stations. Services are provided by multiple transit operators, including Metro Rail, Rapid buses, Express buses, Local buses, LADOT Commuter Express buses, Downtown Area Short Hop (DASH) buses, and other local operators. The above mentioned Metro lines are for Existing year 2016. After December 2020, Metro began service changes as part of NextGen Bus Plan.

7

Freeway Safety

"Significant and unavoidable impacts have been identified in relation to the potential for project-specific ramp queuing safety impacts as growth occurs pursuant to the Proposed Plan. Potential mitigation may include transportation demand management strategies to reduce a project's trip generation, investments to active transportation infrastructure, or transit system amenities, and/or operational changes to the ramp terminal such as lane reassignment, traffic signalization, signal phasing or timing modifications, etc." To reduce any future traffic safety impact on the State facilities, Caltrans recommends the City implement a fee program on the State facilities. We would like to have the opportunity to assist the City to identify any potential safety improvement locations.

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Other

As a reminder, any transportation of heavy construction equipment and/or materials that requires the use of oversized-transport vehicles on State highways will need a Caltrans transportation permit. We recommend that large-size truck trips be limited to off-peak commute periods.

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Please be reminded that any work performed within the State Right-of-way will require an Encroachment Permit from Caltrans. Any modifications to State facilities must meet all mandatory design standards and specifications.

Ernesto Gonzalez
September 15, 2022
Page 4 of 4

Letter 1

If you have any questions, please feel free to contact Mr. Alan Lin the project coordinator at (213) 269-1124 and refer to GTS # LA-2016-04013-DEIR.

Sincerely,

Miya Edmonson

MIYA EDMONSON
LDR/CEQA Branch Chief

email: State Clearinghouse

Letter 1 **California Department of Transportation**
Miya Edmonson, LDR/CEQA Branch Chief
100 S. Main Street, MS 16
Los Angeles, CA 90012
September 19, 2022

Response 1-1

The comment is an introduction to Caltrans detailed comments, which are addressed below. No further response is required.

Response 1-2

The commenter provides an overview of the Proposed Plan and the mission of Caltrans. The comment is noted. No further response is required.

Response 1-3

The commenter provides a reminder that VMT (vehicle miles traveled) is the standard transportation analysis metric in CEQA for land use projects after July 1, 2020. This is consistent with the analysis in the EIR. No further response is required.

Response 1-4

The commenter reiterates Caltrans support for incorporating multi-modal and complete streets transportation elements that will actively promote alternatives to car use and better manage existing parking assets. Caltrans supports the implementation of complete streets and pedestrian safety measures such as road diets and other traffic calming measures. Caltrans' support is noted. The Boyle Heights Community Plan prioritizes alternative modes of travel such as bicycling and public transit to reduce single occupancy vehicle trips, VMT, and greenhouse gas emissions and the EIR demonstrates the benefits of these improvements in Section 4.7, Greenhouse Gas Emissions where the Plan's per capita reduction in greenhouse gas (GHG) emissions is shown (see Table 4.7-7, Operational Greenhouse Gas Emissions).

Overall, consistent with Caltrans' comment, the Plan supports complete streets and pedestrian safety as it includes updates to a number of enhanced street networks within the Mobility Plan to prioritize bicycle, transit, and vehicle movement and strategies such as enhanced transit shelters and wayfinding signage; a Coordinated Pedestrian First District with Leading Pedestrian Intervals, scramble crosswalks, right turn limitations on red, and other interventions; protected bicycle facilities with dedicated signals along key corridors; and curb ramps, signalized crosswalks, and other pedestrian safety improvements throughout the CPA.

Response 1-5

The commenter concurs with the Traffic Impact Study included in the EIR and the determination that impacts to VMT would be less than significant. As demonstrated in Section 4.14, Transportation, of the EIR, the Proposed Plan meets the City adopted threshold of not exceeding baseline conditions and is more than 15% below the SCAG region VMT. The support is noted, and no further response is required.

Response 1-6

The commenter provides an overview of the pedestrian and bicycle facilities within the CPA. The comment does not identify the potential for new physical environmental impacts not addressed in the EIR, and no specific response is required. The comment will be included as part of the record and forwarded to the decision-makers for their review and consideration prior to any action being taken on the Proposed Plan.

Response 1-7

The commenter provides an overview of the public transit services within the CPA. The comment does not identify the potential for new physical environmental impacts not addressed in the EIR, and no specific response is required. The comment will be included as part of the record and forwarded to the decision-makers for their review and consideration prior to any action being taken on the Proposed Plan.

Response 1-8

The commenter restates the identified significant and unavoidable impact related to project-specific ramp queuing safety. The commenter recommends the City implement a fee program on the State facilities. Page 4.14-56 of the EIR includes the following discussion related to the identified impact:

Significant and unavoidable impacts have been identified in relation to the potential for project-specific ramp queuing safety impacts as growth occurs pursuant to the Proposed Plan. Potential mitigation may include transportation demand management strategies to reduce a project's trip generation, investments to active transportation infrastructure, or transit system amenities, and/or operational changes to the ramp terminal such as lane reassignment, traffic signalization, signal phasing or timing modifications, etc. However, without specific information on where safety impacts may occur as a result of freeway off ramp queuing, it is not possible to identify appropriate mitigation measures. Therefore, no feasible mitigation can be identified for the Boyle Heights CPA. It is anticipated that subsequent land use development projects that are seeking approval under the Proposed Plan will be required to study freeway queuing and safety impacts in more detail per the Interim Guidance for Freeway Safety Analysis.

As stated above, the EIR does not identify a specific mitigation measure, as the timing of projects is unknown. Further, there is no substantial evidence provided that a fee could mitigate the significant impact

to a less than significant level. As individual projects are identified, the City will work with Caltrans to identify project specific mitigation measures as appropriate.

Response 1-9

The comment states that transportation of heavy construction equipment and/or materials that requires the use of oversized-transport vehicles on State highways will need a Caltrans transportation permit, and any work performed within the State Right-of-way will require an Encroachment Permit from Caltrans. The comment has been noted. All transportation of construction equipment and materials used during the implementation of the Proposed Plan, and encroachments within a State Right-of-way will follow all State regulations and procedures.



Ernesto Gonzalez <ernesto.a.gonzalez@lacity.org>

RAP Comments Re: Boyle Heights Community Plan

Meghan Luera <meghan.luera@lacity.org>
To: Boyle Heights Plan <boyleheightsplan@lacity.org>
Cc: RAP ParkFees <rap.parkfees@lacity.org>, Jeremy Silva <Jeremy.Silva@lacity.org>

Thu, Sep 22, 2022 at 1:58 PM

Hello,

See attached RAP's comments re: the Boyle Heights Community Plan. The PDF titled "Reviewed and Edited 4.13 Public Services and Recreation" can be downloaded for additional comments provided by RAP staff.



1

Please let us know if you have any questions.

Meghan Luera

Senior Management Analyst I
Department of Recreation and Parks
Planning, Maintenance and Construction
221 North Figueroa St., Suite 400
Los Angeles, CA 90012

2 attachments

 **Boyle Heights Community Plan Update.pdf**
12248K

 **Reviewed and Edited 4.13 Public Services and Recreation - revised (1).pdf**
12013K

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ACTING ASSISTANT GENERAL MANAGER

(213) 202-2633 FAX (213) 202-2614

Letter sent via email to:
boyleheightsplan@lacity.org

September 22, 2022

Ernesto Gonzalez
City of Los Angeles Department of City Planning
200 N. Spring Street, Room 667
Los Angeles, CA 90012

**DEPARTMENT OF RECREATION AND PARKS SUBMITTAL OF WRITTEN
COMMENTS RELATIVE TO ENV-2016-2906-EIR & CPC-2016-2905-CPU**

Dear Mr. Gonzalez:

The City of Los Angeles Department of Recreation and Parks (RAP) has prepared the following comments in response to your request for comments relative to the Boyle Heights Community Plan Update (Letter). Below are our comments relative to the Draft Environmental Impact Report:

- In section 4.13.6.1, the number of playgrounds, tennis courts, recreation centers, fitness areas, swimming pools/aquatic centers, senior centers, skate parks, and dog parks are not consistent with the referred source in the footnotes. (4.13-57)
- The minimum acreage for neighborhood, community, and regional parks should not be based on the 1980 version of the Public Recreation Plan. Rather, the recommended service levels for park sites and facilities according to the amended 2016 version of the Public Recreation Plan should be referenced. (4.13-58) Any subsequent reference in the Community Plan to the 1980 Public Recreation Public should be updated accordingly. The amended Public Recreation Plan has been included with this Letter.

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- There are zero (0) regional parks, twelve (12) community parks, two (2) neighborhood parks, and zero (0) pocket parks located within the Boyle Heights Community Plan Area. Pocket parks are not an official park classification according to the City of Los Angeles’ Public Recreation Plan. Reference to pocket parks should be deleted from this community plan (4.13-58)
- On Table 4.13-16, the list of parks, open space, and recreational facilities in the CPA are incorrectly classified. All parks classified as neighborhood parks should be classified as community parks with the exception of Prospect Park, which has been correctly classified as a neighborhood park. Hollenbeck Park and Skate Park is correctly classified as a community park. Ross Valencia Community Park and the Aliso-Pico Recreation Center should be classified as neighborhood parks. (4.13-60)
- On Table 4.13-16, acreage totals are inconsistent with RAP records. (4.13-60)
- On Table 4.13-16, park names are not accurate. “Hollenbeck Park and Skate Park” should be corrected to “Hollenbeck Park”. “Lou Costello Recreation Center” should be corrected to “Hostetter Park”.
- On Table 4.13-16, the Aliso-Pico Recreation Center is not a RAP owned or operated facility. It is owned by the Housing Authority of the City of Los Angeles (HACLA). RAP advises that an update to this section is made, and to contact HACLA for more information.
- On Table 4.13-17, RAP advises that an updated population total is used for comparison purposes rather than a 2016 estimate.
- In section 4.13.6.4, the long-range recreational standards should reflect the standards from the 2016 amended version of the Public Recreation Plan, where the recommended service levels for neighborhood and community sites and facilities are 2 acres per 1,000 residents, and respectively 6 acres per 1,000 residents for regional parks. (4.13-71)
- In Section 4.13.6.5, the third paragraph incorrectly states that Quimby fees are used for maintenance. “Payment of impact fees and the anticipated enhancement of facilities with funds provided by these fees would help offset the deterioration of existing recreational facilities” (4.13-70)
- The document should better consistently reference the Quimby Act and the Park Impact Fee charged per the CA State Mitigation Fee Act.
- It should be noted that RAP is constructing a new neighborhood park in this area called “Brooklyn Heights Park.” This park, which is currently under construction, is approximately 0.19 acres and will provide a children’s play area, fitness equipment, walking paths, and a plaza for the surrounding community. Brooklyn Heights Park is anticipated to be completed and open in the first quarter of 2023.

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Ernesto Gonzalez
September 22, 2022
Page 3

See additional comments to the Boyle Heights Community Plan Update attached to this Letter.

Thank you for the opportunity to provide information relative to the Boyle Heights Community Plan Update Draft Environmental Impact Report. If you have any questions or comments regarding this information, please feel free to contact Park Fees staff, at (213) 202-2682, at your convenience.

10

Sincerely,

JIMMY KIM
General Manager



DARRYL FORD
Superintendent
Planning, Maintenance and Construction Branch

DF/ML:ar

Attachments: RAP Comments and Revisions to Boyle Heights CPA
City of Los Angeles Public Recreation Plan (Amended in 2016)

cc: Reading File

Mitigation Measures

No mitigation measures are required.

Significance After Mitigation

Less than significant.

4.13.5.6 Cumulative Impacts

The geographic context for this cumulative analysis is the City as served by the LAPL. Although library requirements are changing with increasing resources being available online, alleviating some of the need for library services and resources, the Proposed Plan along with cumulative projects from other plans (such as surrounding community plans, the Los Angeles County General Plan and SCAG's RTP/SCS) would increase the demand for library services, which may increase the need for additional library facilities. The construction of new library facilities would be confined to the immediate area of each library. No new library facilities are currently planned within the CPA. The reasonably anticipated development growth under the Proposed Plan could cause an increase in demand for libraries services. The Branch Facilities Plan will continue to forecast future demand for library facilities throughout the City and strive to provide adequate facilities and related improvements to serve the existing and future population. The potential for new library construction is speculative at the present time and is, therefore, not analyzed in this document. It is assumed that if new facilities are determined to be necessary at some point in the future, such facilities would occur where allowed under the designated land use. Therefore, the incremental effect of the Proposed Plan with respect to libraries would not be cumulatively considerable. Impacts would be less than significant.

4.13.6 PARKS AND RECREATION

4.13.6.1 Existing Environmental Setting

The City of Los Angeles Department of Recreation and Parks manage and provide parks and recreational services throughout the City. City park and recreation facilities include more than 16,000 acres of parkland with over 444 park sites, including athletic fields, 422 playgrounds, 321 tennis courts, 184 recreation centers, 72 fitness areas, 62 swimming pools and aquatic centers, 30 senior centers, 26 skate parks, 13 golf courses, 12 museums, and 9 dog parks. In addition, the Department of Recreation and Parks also operates 187

"We maintain and operate hundreds of athletic fields, 411 playgrounds, 319 tennis courts, 123 recreation centers, over 130 outdoor fitness areas, 59 swimming pools and aquatic centers, 29 senior centers, 27 skate parks, 13 golf courses, 12 museums, 13 dog parks, 187 summer youth camps and help support the Summer Night Lights gang reduction and community intervention program."

summer youth camps and supports the Summer Night Lights gang reduction and community intervention program.⁵¹

Should be referring to the 2016 version, not 1980

According to the City of Los Angeles Public Recreation Plan, parks can be classified as neighborhood, community, or regional. A neighborhood park should be a minimum of five acres in size (ideally 10 acres), with a service radius of a one-half-mile. A community park should be a minimum of 15 acres in size (ideally 20 acres), with a service radius of two miles. Regional parks are generally more than 50 acres in size and serve the City and region.⁵² The Los Angeles County Department of Parks and Recreation manages regional parks, community parks, and golf courses that are available for all county residents to use.

In general, Boyle Heights is mostly built out and contains few areas of natural open space. Land designated Open Space consists of approximately 5 percent (149.3 acres) of the total area in the CPA, with the most significant civic open space being Hollenbeck Park. Currently, there are 16 parks and recreational facilities located within the CPA that immediately serve the residents. These include 0 regional parks, 1 community parks, 12 neighborhood parks, and 3 pocket parks as shown in **Table 4.13-16. Figure 4.13-4, Parks, Open Space, and Recreational Facilities in the Community Plan Area**, shows the locations of the parks and recreational facilities within the Boyle Heights CPA boundaries.

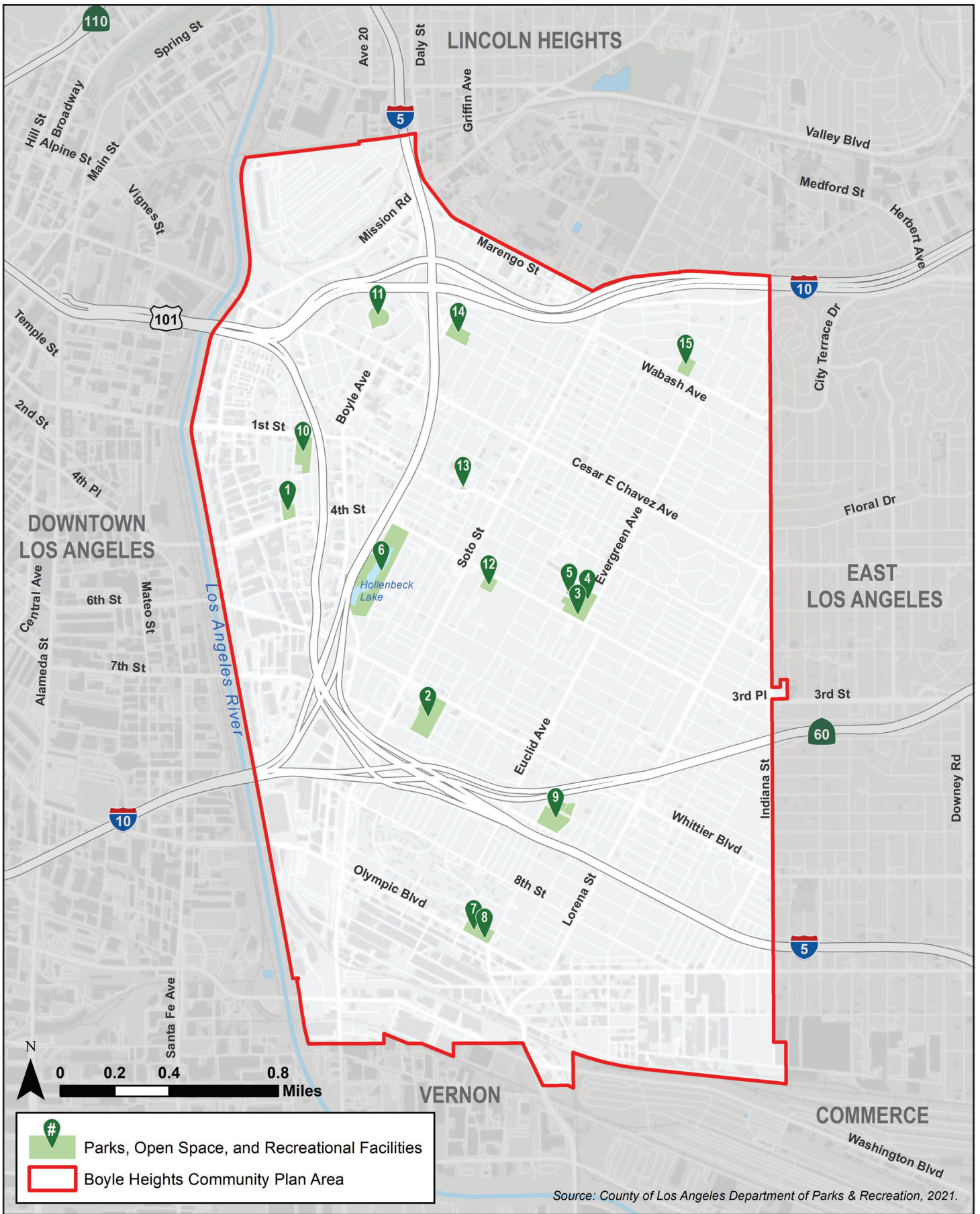
0 regional parks, 12 community parks,
3 neighborhood parks, 0 pocket parks

The City's Public Recreation Plan states that to meet long-range recreational standards, a project must have a minimum of two acres of neighborhood and community recreational facilities for every 1,000 persons and a minimum of two acres of neighborhood and local recreational facilities for every 1,000 persons.⁵³ Local recreation standards are long-range and may not be reached during the life of a Community Plan. As shown in **Table 4.13-16**, approximately 54 acres of recreational facilities are located within the CPA, consisting of 0 acres of regional park facilities, 20.5 acres of community parks, 33 acres of neighborhood parks, and 0.4 acres of pocket parks.

⁵¹ City of Los Angeles Department of Recreation and Parks. *About Us*, <http://www.laparks.org/departments/who-we-are>, accessed October 10, 2017.

⁵² City of Los Angeles, *General Plan Public Recreation Plan*, 1980. https://planning.lacity.org/Code_Studies/GeneralElement/PublicRecreationPlan.pdf

⁵³ City of Los Angeles, *General Plan Public Recreation Plan*, 1980. Accessed July 2021. https://planning.lacity.org/Code_Studies/GeneralElement/PublicRecreationPlan.pdf



SOURCE: City of Los Angeles, 2021

FIGURE 4.13-4

Table 4.13-16
Parks, Open Space, and Recreational Facilities in the Community Plan Area

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No.	Name	Location	Facility Type	Acres	
6	Hollenbeck Park and Skate Park		Community Park	20.5	18.3
Community Park Subtotal				20.5	53.8
11	Prospect Park		Neighborhood Park	2.7	
14	State Street Recreational Center	Community	Neighborhood Park	2.6	
15	Wabash Recreational Area	Community	Neighborhood Park	1.9	
10	Pecan Recreation Center	Community	Neighborhood Park	4.3	
12	Roosevelt Pool	Community	Neighborhood Park	1.5	
5	Boyle Heights Senior Citizen Center	Community	Neighborhood Park	-	
4	Evergreen Child Care Center	Community	Neighborhood Park	-	
3	Evergreen Recreation Center	Community	Neighborhood Park	5.4	6.7
2	Boyle Heights Sports Center	Community	Neighborhood Park	7.2	8.5
9	Msgr. Ramon Garcia Recreation Center	Community	Neighborhood Park	5.7	6.5
8	Costello Senior Citizen Center	Community	Neighborhood Park	-	
7	Lou Costello Recreation Center	Community	Neighborhood Park	1.7	3.5
Neighborhood Park Subtotal				33	3.0
13	Ross Valencia Community Park	Neighborhood	Pocket Park	0.1	
1	Aliso-Pico Recreation Center	Neighborhood	Pocket Park	0.2	
Pocket Park Subtotal				0.3	0.0
Parks and Recreation Total				53.8	56.8

Note:

Pocket Park (less than 1 acre); Neighborhood Park (1-10 acres); Community Park (10-50 acres); Regional Park (over 50 acres)

Source:

City of Los Angeles Department of Recreation and Parks, Los Angeles County GIS Data Portal, zimas.lacity.org and Impact Sciences, 2017; Los Angeles Countywide Comprehensive Park & Recreation Needs Assessment Appendix A 2020. Available online at: <https://opr.ca.gov/docs/20200624-PlanningForHealth-LosAngeles-case-study.pdf>, accessed on October 6, 2021.

Using factors from the Public Recreation Plan, existing demand is for approximately 850 acres of recreational facilities in the CPA, as detailed in **Table 4.13-17**. Currently, there is not a sufficient amount of total recreational acreage available in sum of pocket, neighborhood, community, and regional parks/recreational facilities. Based on the City's standards, there is a deficit of 137 acres of neighborhood parks and 119.5 acres of community parks in the CPA. No regional parks are located in the CPA. The nearest regional parks which serve the residents of the CPA are Elysian Park, located approximately 0.7 miles northwest, and Debs Park, located approximately 2.3 miles northeast. The City has a parkland acres-to-population ratio of 4.23 acres per 1,000 residents. The CPA has an overall parkland acres-to-population ratio of 0.6 acres per 1,000 residents. The parkland acres-to-population ratio of neighborhood and community parks is also 0.6 acres per 1,000 residents (there are no regional parks in the Plan Area).

Table 4.13-17
Existing Demand for Parks and Recreational Facilities in the Boyle Heights Community Plan Area

Recreational Facility Type	Population (2016)	Demand per 1,000 residents	Demand for Recreational Facilities ¹	Acres of Recreational Space Available	Acres of Surplus ²	Demand Met	
Pocket Parks	86,000	--	0.4	--	--	--	
Neighborhood Parks		2 acres	172 acres	3.0	33	(139)	No
Community Parks		2 acres	172 acres	53.8	20.5	(151.5)	No
Regional Parks		6 acres	516 acres		0	(516)	Yes*
Total		10 acres	860 acres	56.8	53.5	(806.5)	No

Source: Impact Sciences, 2017.

* Regional Park service is measured on a citywide basis. There are adequate regional parks within the City of Los Angeles.

-- indicates information is not available.

1 Existing demand is based on open space provisions as provided for each facility type by the City of Los Angeles Public Recreation Plan (i.e., 2 acres for every 1,000 residents for neighborhood facilities; 2 acres for every 1,000 residents for community facilities; 6 acres for every 1,000 residents for regional parks).

2 Parenthesis () denotes a deficient acreage.

As a response to the need for additional park and recreational facilities, Department of Recreation and Parks has implemented the 50 Parks Initiative which aims to better meet the park and recreational needs of the City's diverse communities by substantially increasing the number of citywide facilities, with a specific focus on densely-populated neighborhoods and communities lacking sufficient park space and recreational facilities.⁵⁴ The Department of Recreation and Parks is currently seeking opportunities to expand parkland within the CPA but has not yet currently identified specific parcels for acquisition of development.

4.13.6.2 Regulatory Framework

There are several plans, regulations, and programs that include policies, requirements, and guidelines regarding Recreation at the state and local levels. As described below, these plans, guidelines, and laws include the following:

- Quimby Act
- City of Los Angeles Charter
- City of Los Angeles General Plan

⁵⁴ City of Los Angeles Department of Recreation and Parks, *Department of Recreation and Parks New Parks Initiative*, <http://www.laparks.org/50parks>, accessed October, 2017.

- Los Angeles Municipal Code
- Los Angeles Department of Recreation and Parks 2009 Citywide Community Needs Assessment
- Department of Recreation and Parks 50 Parks Initiative
- Park Proud LA Strategic Plan 2018-2022

State

Quimby Act. California Government Code Section 66477, also known as the Quimby Act, was enacted by the California legislature in 1965. The Quimby Act authorizes cities and counties to enact ordinances requiring the dedication of land, or the payment of fees for park and/or recreational facilities in lieu thereof, or both, by developers of residential subdivisions as a condition to the approval of a tentative tract map or parcel map. As discussed below, the City implemented the Quimby Act in the City through the adoption of Los Angeles Municipal Code (LAMC) Sections 17.12, 12.33 and 19.17.

State Public Park Preservation Act of 1971 (PRC Section 5400–5409). This act provides for no net loss of parkland and facilities by prohibiting cities and counties from acquiring any real property that is in use as a public park for any non-park use unless compensation or land, or both, are provided to replace the parkland acquired.

Local

City of Los Angeles Charter. The City Charter established the Department of Recreation and Parks (RAP) to construct, maintain, operate, and control all parks, recreational facilities, museums, observatories, municipal auditoriums, sports centers and all lands, waters, facilities or equipment set aside or dedicated for recreational purposes and public enjoyment within the City. The Board of Recreation and Parks Commissioners oversees the RAP.

With regard to control and management of recreation and park lands, Section 594(c) of the City Charter provides that all lands set apart or dedicated as a public park shall forever remain for the use of the public inviolate. However, the Board of Recreation and Parks Commissioners may authorize the use of those lands for any park purpose and for other specified purposes.

City of Los Angeles General Plan

Framework Element. The City's General Plan Framework Element (adopted in December 1996 and readopted in August 2001) (Framework) includes park and open space policies for the provision, management, and conservation of Los Angeles' open space resources while addressing the outdoor

recreation needs of the City's residents and is intended to guide the amendment of the General Plan's Open Space and Conservation Elements.

The Framework Chapter 9, Infrastructure and Public Services, contains policies and objectives that address the provision of parks within the City. These standards are addressed in the following policies:

**Table 4.13-18
Relevant General Plan Policies**

Framework Element - Chapter 6, Open Space and Conservation	
Policy 6.2.1	Establish, where feasible, the linear open space system represented in the Citywide Greenways Network map, to provide additional open space for active and passive recreational uses and to connect adjoining neighborhoods to one another and to regional open space resources.
Policy 6.2.2	Protect and expand equestrian resources, where feasible, and maintain safe links in major public open space areas such as Hansen Dam, Sepulveda Basin, Griffith Park, and the San Gabriel, Santa Monica, Santa Susanna Mountains and the Simi Hills.
Policy 6.4.1	Encourage and seek to provide for usable open space and recreational facilities that are distributed throughout the City.
Policy 6.4.2	Encourage increases in parks and other open space lands where deficiencies exist, such as South East and South Central Los Angeles and neighborhoods developed prior to the adoption of the State Quimby Act in 1965
Policy 6.4.3	Encourage appropriate connections between the City's neighborhoods and elements of the Citywide Greenways Network.
Policy 6.4.5	Provide public open space in a manner that is responsive to the needs and wishes of the residents of the City's neighborhoods through the involvement of local residents in the selection and design of local parks. In addition to publicly-owned and operated open space, management mechanisms may take the form of locally run private/non-profit management groups, and should allow for the private acquisition of land with a commitment for maintenance and public access.
Policy 6.4.6	Explore ways to connect neighborhoods through open space linkages, including the "healing" of neighborhoods divided by freeways, through the acquisition and development of air rights over freeways (such as locations along the Hollywood Freeway between Cahuenga Pass and Downtown), which could be improved as a neighborhood recreation resource.
Policy 6.4.7	Consider as part of the City's open space inventory of pedestrian streets, community gardens, shared school playfields, and privately-owned commercial open spaces that are accessible to the public, even though such elements fall outside the conventional definitions of "open space." This will help address the open space and outdoor recreation needs of communities that are currently deficient in these resources
Policy 6.4.8	Maximize the use of existing public open space resources at the neighborhood scale and seek new opportunities for private development to enhance the open space resources of the neighborhoods.
Policy 6.4.9	Encourage the incorporation of small-scaled public open spaces within transit-oriented development, both as plazas and small parks associated with transit stations, and as areas of public access in private joint development at transit station locations.
Policy 6.4.11	Seek opportunities to site open space adjacent to existing public facilities, such as schools, and encourage the establishment of mutually beneficial development agreements that make privately-owned open space accessible to the public. For example, encourage the improvement of scattered small open spaces for public access in private projects with small branch libraries, child care centers, or decentralized schools.

6.3? Environmental risks to public

6.4.4 open space= neighborhood character?

Framework Element – Chapter 9, Infrastructure and Public Services	
Policy 9.23.2	Prioritize the implementation of recreation and park projects in areas of the City with the greatest existing deficiencies.
Policy 9.23.5	Re-evaluate the current park standards and develop modified standards which recognize urban parks, including multi-level facilities, smaller sites, more intense use of land, public/private partnerships and so on.
Policy 9.23.7	Establish guidelines for developing non-traditional public park spaces like community gardens, farmer's markets, and public plazas.
Policy 9.24.1	Phase the development of new programs and facilities to accommodate projected growth.

Source: City of Los Angeles, *The Citywide General Plan Framework, An Element of the City of Los Angeles General Plan, re-adopted 2001.*

Service Systems Element - Public Recreation Plan. As a part of the General Plan’s Service Systems Element, the Public Recreation Plan (PRP) establishes policies and standards related to parks, and recreational facilities in the City. The PRP was adopted in 1980 by the Los Angeles City Council and amended by City Council resolution in March 2016. The amendments modernize the PRP’s recommendations and provide for more flexibility and equity in the distribution of funds used for the acquisition and development of recreational resources. The PRP also addresses the need for publicly accessible neighborhood, community, and regional recreational sites and facilities across the City. The PRP focuses on recreational site and facility planning in underserved neighborhoods with the fewest existing resources and the greatest number of potential users (i.e., where existing residential development generates the greatest demand), as well as areas where new subdivisions, intensification of existing residential development, or redevelopment of “blighted” residential areas creates new demand.

The amended PRP establishes general guidelines for neighborhood, community, and regional recreational sites and facilities that address general service radius and access as well as service levels relative to population within that radius. The PRP also states that the allocation of acreage for community and neighborhood parks should be based on the resident population within that general service radius. Toward this end, the amended PRP recommends the goals of 2.0 acres each of neighborhood and community recreational sites and facilities per 1,000 residents, and 6.0 acres of regional recreational sites and facilities per 1,000 residents. To determine existing service ratios, the RAP commonly uses the geographic area covered by the applicable Community Plan rather than the park service radius. The PRP does not establish requirements for individual development projects.

For a given neighborhood recreational site or facility, the amended PRP does not recommend a specific size, noting only that a school playground may partially serve this function (with up to one-half of its acreage counted toward the total acreage requirement [service level per capita]). The amended PRP does not define a specific service radius for neighborhood recreational sites and facilities, instead recommending

on pg. 5
of amended
PRP

that they should generally be within walking distance and not require users to cross a major arterial street or highway for access.

For community recreational sites and facilities, the amended PRP states that facilities may be of any size, but are generally larger than neighborhood parks, and a high school site may be counted toward half the acreage requirement/service level per capita. The amended PRP does not define a specific service radius for community recreational sites and facilities, instead recommending that they should generally be accessible within a relatively short bicycle, bus, or car trip, and easily accessible.

For regional recreational sites and facilities, the amended PRP states that facilities may be large urban recreational sites or smaller sites or facilities that draw visitors from across the City. The amended PRP does not define a specific service radius or further qualify access, stating only that the service radius should be that within a reasonable drive.

Health, Wellness, and Equity Element. The City's Plan for a Healthy Los Angeles, updated in 2021, which also serves as the City's environmental justice element, lays the foundation to create healthier and equitable communities for all Angelenos. As an Element of the General Plan, it provides high-level policy vision, along with measurable objectives and implementation programs, to elevate health as a priority for the City's future growth and development. Chapter 3 of the Plan, Bountiful Parks and Open Spaces, outlines policies and objectives to increase the availability of parks through park funding and allocation, park expansion, the Los Angeles River, park quality and recreation programs, park safety, local partnerships, water recreation, and active spaces. Specifically, the objectives include:

- Increase the number of neighborhood and community parks so that every Community Plan Area strives for 3 acres of neighborhood and community park space per 1000 residents (excluding regional parks and open spaces).
- Increase access to parks so that 75% of all residents are within a ¼ mile walk of a park or open space facility.
- Increase the number of schools (public, private, and charter) that have shared use agreements for community use outside of normal school hours by 25%.
- Increase the miles of the Los Angeles River that are revitalized for natural open space and physical activity, particularly in low-income areas.
- Increase the number of parks that feature or incorporate universally-accessible features.
- Improve the percentage of citywide population meeting physical fitness standards per week so that 50% percent of the population meets physical activity guidelines.

found on
pg. 57 of
Plan for
Healthy
LA

Los Angeles Municipal Code. In September 2016, the City adopted Ordinance No. 184,505, Parks Dedication and Fee Update Ordinance (Park Fee Ordinance). The aim of the Park Fee Ordinance is to increase the opportunities for park space creation and expand the fee program beyond those projects requiring a subdivision map to include a park linkage fee for all net new residential units. The Park Fee Ordinance amends LAMC Sections 12.21, 12.33, 17.03, 17.12 and 17.58, deletes LAMC Sections 17.07 and 19.01, and adds LAMC Section 19.17. The Park Fee Ordinance increases Quimby in-lieu fees, provides a new impact fee for non-subdivision projects, eliminates the deferral of park fees for market rate projects that include residential units, increases the fee spending radii from the site from which the fee is collected, provides for early City consultation for subdivision projects or projects with over 50 units in order to identify means to dedicate land for park space, and updates the provisions for credits against park fees. The Park Fee Ordinance went into effect on January 11, 2017.

LAMC Section 12.21 G requires that all residential developments containing six or more dwelling units on a lot provide, at a minimum, the following usable open space area per dwelling unit: 100 square feet for each unit having less than three habitable rooms, 125 square feet for each unit having three habitable rooms, and 175 square feet for each unit having more than three habitable rooms. LAMC Section 12.21 G also identifies what areas of a project would qualify as usable open space for the purposes of meeting the project's open space requirements.

As stated in LAMC Section 12.21 G, usable open space is defined as areas designated for active or passive recreation and may consist of private and common areas. Common open space areas must be readily accessible to all residents of the site and constitute at least 50 percent of the total required usable open space. Common open space areas can incorporate recreational amenities such as swimming pools, spas, picnic tables, benches, children's play areas, ball courts, barbecue areas, and sitting areas. A minimum of 25 percent of the outdoor common open space area must be planted with ground cover, shrubs, or trees. Indoor recreational amenities can account for up to 25 percent of the usable open space requirements. Private open space is defined in an area that is contiguous to and immediately accessible from an individual dwelling unit, may have a dimension no less than six feet in any direction and must contain a minimum of 50 square feet, of which no more than 50 square feet per dwelling unit can be counted towards the total required usable open space.

LAMC Section 12.33, Park Fees and Land Dedication, authorized under the Quimby Act, requires developers of most residential projects to dedicate land and/or pay in-lieu fees for parks and recreational facilities. Specific requirements are determined based on the type of project and number of units. Under LAMC Section 12.33 D, the area of land within a residential subdivision that is required to be dedicated for parks and recreational uses is determined by the formulas provide therein. Land dedication and in-lieu fee payment are subject to the restrictions set forth in Section 12.33 (i.e., land must be used for park or

recreational uses and fees must be used for the acquisition or development of, and not the operation or maintenance of, park land).

LAMC Section 12.33 G, Affordable Housing Exemption, allows new residential dwelling units that are rented or sold to persons or households of very low, low, or moderate income to receive an affordable housing exemption from the park fee and land dedication requirement. An affordable housing unit shall receive an exemption from the requirement for dedication of land for park and recreational purposes and/or payment of the park fee if the affordable housing unit is affordable to a household at or below 120 percent of the area median income. In projects with a mix of market-rate and affordable units, only the affordable housing units shall receive this exemption.

LAMC Section 12.33 H, Credits, allows private recreational areas developed within a project site for use by the particular project's residents to be credited as meeting up to 35 percent of the project's calculated land dedication and/or in-lieu fee requirement. Recreational areas that qualify under this provision of LAMC Section 12.33 H include, in part, indoor recreation areas, gyms, swimming pools, and spas (when the spas are an integral part of a pool complex). Furthermore, in accordance with LAMC Section 12.33 H.2, the recreational areas proposed as part of a project must meet the following standards in order to be credited against the requirement for land dedication: (1) each facility is available for use by all of the residents of a project; and (2) the area and the facilities satisfy the park and recreation needs of a project so as to reduce that project's need for public recreation and park facilities.

LAMC Section 21.10.3, Dwelling Unit Construction Tax, establishes the payment of a dwelling unit construction tax of \$200 per new residential unit. The tax is to be paid to a "Park and Recreational Sites and Facilities Fund" for the acquisition and development of park and recreational sites and facilities. If park and recreation provisions (i.e., fees, improvements, or land dedication) have been made pursuant to LAMC Section 12.33, the fair market value of those provisions is credited against the payment of this tax.

Pursuant to LAMC Sections 17.12 and 17.58, a final subdivision map shall not be approved or recorded, unless a park fee has been paid or land within the subdivision has been dedicated to the City for park or recreational purposes. Park fee rates for residential subdivision and non-subdivision residential projects are identified in LAMC Section 19.17 and adjusted for inflation annually.

Los Angeles Department of Recreation and Parks 2009 Citywide Community Needs Assessment. In 2009, the Department of Recreation and Parks commissioned an update of the last Recreation and Parks Needs Assessment from 1999 as a preliminary step in developing a citywide park master plan and five-year capital improvement plan. The report provides an inventory of existing facilities, defines geographic areas of need and recommended facilities to serve specific populations, and identifies priorities for additional parks and

recreation facilities. The report provides a more current assessment of conditions and future needs compared to the PRP, while the PRP recommends the ratios of park acreage per person used in the analysis.

Department of Recreation and Parks 50 Parks Initiative. In response to the 2009 Citywide Community Needs Assessment, the Department of Recreation and Parks developed the 50 Parks Initiative with the purpose of substantially increasing the number of parks and facilities available across the City, with a specific focus on densely populated neighborhoods and communities that lack sufficient open space and recreational services.

Park Proud LA Strategic Plan 2018-2022. The Park Proud LA Strategic Plan (Strategic Plan) is the most recent strategic plan for the Department of Recreation and Parks, effective from 2018 until 2022. The Strategic Plan highlights critical work that needs to be accomplished over the next several years to ensure that the City has an accessible, equitable, and first class park system. The Strategic Plan reflects chief priorities of the RAP, confronts new and existing challenges, and lays the framework to pursue new opportunities. Within the Strategic Plan, there are over two dozen outcomes organized under the following seven high-level priority goals:

- Provide safe and accessible parks;
- Offer affordable and equitable recreation programming;
- Create and maintain world class parks and facilities;
- Actively engage communities;
- Ensure an environmentally sustainable park system;
- Build financial strength and innovative partnerships; and
- Maintain a diverse and dynamic workforce.

4.13.6.3 Thresholds of Significance

In accordance with Appendix G of the *State CEQA Guidelines*, the Proposed Plan would have a significant impact related to parks and recreation if it would:

- Result in substantial adverse physical impacts associated with the provision of new or physically altered recreational facilities, need for new or physically altered recreational facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for parks. (Based on the nature of the Proposed Plan,

the City finds that this threshold question will be answered in the third threshold questions below, as both threshold questions relates to impacts from the construction of park or recreational facilities.)

- 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.
- Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.

4.13.6.4 Methodology

The need for or deficiency in adequate park and recreation facilities to serve the residents or users of the CPA or the City is not in and of itself a CEQA impact, but a social or economic impact (*City of Hayward v. B'd of Trustees* [2015] 242 Cal.App. 4th 833, 843). To the extent that the Proposed Plan causes a need for additional recreational services and facilities and that results in the construction of new facilities or additions to existing facilities and the impact from that construction results in a potential impact to the environment, that is a CEQA impact that needs to be assessed in this EIR. Additionally, the deterioration of existing recreational facilities and parks caused by the Proposed Plan is a CEQA impact that needs to be assessed in the EIR. Any discussion in this EIR that relates solely to the level of park services provided to the residents or users of the CPA and its surrounding community, including any existing or future needs and deficiencies, is for informational purposes only. The ultimate determination of whether there is a significant impact related to park and recreational services is based on whether a significant impact will result from the construction of new or altered park and recreational facilities or where existing park and recreational facilities will be substantially physically deteriorated as a result of the implementation of the Proposed Plan.

This analysis estimates the number of residents that would be generated by implementation of the Proposed Plan and assesses whether existing and planned public parks and recreational facilities expected to serve the CPA would have sufficient available capacity to accommodate additional users and whether new facilities would need to be constructed, the construction of which would cause significant environmental impacts; and whether the Proposed Plan will result in substantial physical deterioration to park and recreational facilities.

4.13.6.5 Impacts

Threshold 4.13-5 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.

This impact would be significant and unavoidable.

Reasonably anticipated development within the CPA is approximately 115,000 residents, 33,000 housing units, and 39,000 jobs by year 2040, which would be a population increase of approximately 29,000 residents compared to the estimated 2016 population. This increase in population would augment the use of existing and planned parks and recreational facilities in and new the CPA, particularly in residential areas. Residential development would be encouraged along mixed-use corridors and through the Community Benefits Program, which expands areas where affordable housing production is incentivized beyond the Citywide TOC Tiers. The addition of residential development in the CPA and associated population growth and park use would contribute to the deterioration of the existing and planned recreational facilities listed in **Table 4.13-18**.

Developers of future residential projects in the CPA would be required to pay park mitigation fees (for non-subdivision projects) or dedicate land or pay Quimby in-lieu fees (for subdivision projects). Park fee amounts are reviewed and updated annually by the City. Payment of impact fees and the anticipated enhancement or maintenance of facilities with funds provided by these fees would help offset the deterioration of existing recreational facilities.

The Proposed Plan aims to broaden the application of public realm and open space strategies to include major streets, the Los Angeles River, and local cemeteries. The Plan envisions a diverse and integrated network of pedestrian pathways, paseos, plazas, green spaces, and landscaped streets that foster social life and support community identity. In addition, the Sixth Street Viaduct is expected to be completed in 2022, and RAP is seeking additional opportunities to expand park opportunities within the CPA through construction of the 6th Street Park, River, Arts & Connectivity (PARC) Project. Moreover, future implementation actions specifically Public Realm and Open Space Policy 12 aims to revitalize the area adjacent to the Los Angeles River consistent with the LA River Revitalization Master Plan to restore and revitalize an 11-mile stretch of the Los Angeles River, while prioritizing public access to this public resource in densely populated communities such as Boyle Heights. The new zoning Frontage District requires that buildings have frequent breaks between them to increase pedestrian access as well as promote visual connections to the River. Landscaped buffers on frontages facing the River and transparency features embed existing regulations found in the River Improvement Overlay (RIO) into the zoning and aim to bring

more public green space to developments near the Los Angeles River. The Plan also envisions more public and open space created through private development projects, through a requirement for Lot Amenity space on each development site and provides an incentive for developments that make the Lot Amenity space publicly accessible.

The Proposed Plan supports this effort through inclusion of policies to support the provision of new recreational facilities, such as the following:

- **LU 29.2** Support the development of more open and public space opportunities that facilitate space for multiple activities, including those at a safe distance from other users, and an overall more active lifestyle.

The Proposed Plan's Public Realm and Open Space Goal 3 states the Los Angeles River serves as a natural and recreational public amenity that is well-connected to surrounding neighborhoods. It recommends implementing the following policies:

- **PO 3.1** Create a network of linked public spaces along the rail-River corridor that provide safe and attractive public access to the Los Angeles River through gateways, plazas, paseos, and pedestrian paths by repurposing underutilized alleys and decommissioned rail spurs.
- **PO 3.2** Design urban trails and paths that connect the eastside to the river adjacent areas using pervious paving and native, drought-tolerant, and watershed friendly landscaping to encourage biodiversity and maximize water recapture.
- **PO 3.3** Utilize bridges spanning the Los Angeles River as gateways and opportunities for placemaking that highlight the history of the community's relationship to the River.
- **PO 3.4** Provide convenient and visually interesting paths of travel for pedestrians from nearby neighborhoods and transit stations to destinations along the River.

Finally, **PO Goal 5** states that cemeteries serve as safe and accessible places within neighborhoods and encourages improvement to accessibility to cemeteries and enhance the recreational path around Evergreen Cemetery with improved lighting and consider extending the path along the access roads within the cemetery grounds.

To meet long-range recreational standards identified in the City's Public Recreation Plan, a minimum of two acres of neighborhood and community recreational facilities for every 1,000 persons should be

provided to the community.⁵⁵ To meet short- and intermediate-range recreational standards, a minimum of one acre of neighborhood and community parks for every 1,000 persons. The population of the CPA is anticipated to increase to approximately 115,000 people in 2040, which is an incremental increase of 29,000 people.

As shown in **Table 4.13-19**, Reasonably Anticipated Development associated with the Proposed Plan would create demand for an additional 290 acres of park space within the CPA. Neighborhood parks are in an existing deficit of 139 acres with 33 acres of neighborhood parks currently available; the demand in 2040 would be for 58 additional acres. Thus, the demand is anticipated to not be met. Community parks are currently in an existing deficit of 151.5 acres with 20.5 acres of community parks available; the demand in year 2040 would be for an additional 58 acres. Thus, the demand is not anticipated to be met. Demand for regional parks is currently being met on a citywide basis. There are several parks within the vicinity of the CPA, such as Elysian Park, Debs Park, and Griffith Park, which all serve residents of the CPA. Within the CPA, the Sixth Street Viaduct is currently under construction and expected to be completed in 2022. The Sixth Street Viaduct project will construct a 12-acre Park, Arts, River, and Connectivity (PARC) improvement project that will connect Boyle Heights and the Arts District. The 12-acres of open and recreational space will alleviate some of the park deficit within the CPA and are assumed within the 2040 demand.

Table 4.13-19
Future (2040) Demand for Recreational Facilities in the Community Plan Area

Facility	Reasonably Anticipated Development	Demand for Recreational Facilities per 1,000 ¹	Acres of Recreational Space Available	Existing Deficit (2016)	Additional Acres of Demand in 2040	Demand Met
Pocket Parks	115,000 population	--	0.4	--	--	--
Neighborhood Parks		2 acres	33	139	58	No
Community Parks		2 acres	20.5	151.5	58	No
Regional Parks		6 acres	0	516	174	No
TOTAL		10 acres	53.5	806.5	290	No

Note:

¹ Recommended standard per the City of Los Angeles Public Recreation Plan (i.e., 2 acres for every 1,000 residents for neighborhood facilities; 2 acres for every 1,000 residents for community facilities; 6 acres for every 1,000 residents for regional parks).

Source: Impact Sciences, 2021

⁵⁵ City of Los Angeles, *General Plan Public Recreation Plan*, 1980.
https://planning.lacity.org/Code_Studies/GeneralElement/PublicRecreationPlan.pdf

Existing regulations and Proposed Plan policies would provide funding for the provision of new recreational facilities and some Proposed Plan policies would also support the maintenance of existing facilities. However, as discussed in the Setting, existing and planned parks serving the Boyle Heights Plan Area currently fail to meet the City's goal for neighborhood and community parks; therefore, although recreational needs are often met in different ways in highly urban settings (e.g., use of private gymnasiums and recreational facilities, use of public rights-of-way for walking and jogging), the increase in population accommodated by the Proposed Plan combined with the constraints on new park development in urbanized areas of Los Angeles would be expected to substantially increase demands upon existing recreational facilities. All of the parks listed in **Table 4.13-16** could be adversely affected by the increase in population for the Proposed Plan, which may cause and accelerate deterioration of those existing parks. Impacts related to the deterioration of existing parks would be *potentially significant*.

Mitigation Measures

The Quimby Act requires developers of residential projects (except affordable housing units and second dwelling units) to dedicate land for park and recreation purposes, or pay a fee in lieu thereof, prior to obtaining a permit. As discussed above, the city collects fees, will require open space under updated fee and Quimby program, but there is not adequate land at reasonable costs to meet the City's park needs. The City has not identified any feasible mitigation to address the impact related to deterioration of existing parks.

Significance After Mitigation

Significant and unavoidable as to deterioration of existing parks.

Threshold 4.13-6 Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.

This impact would be less than significant.

Based on the City's two acres of neighborhood and community parks each per 1,000 persons goal, development facilitated by the Proposed Plan would generate demand for up to 290 acres of new parks to meet City standards. For this reason and because Proposed Plan policies support the development of new park facilities, the Proposed Plan is anticipated to result in the construction of new recreational facilities. However, several constraints would limit the number and size of new park facilities constructed in the CPA, including the following:

1. A scarcity of vacant or underused land
2. High cost of real estate in Los Angeles
3. Competition with other identified community priorities, such as affordable housing

The 50 Parks Initiative exemplifies the kind of park facilities the City is currently implementing and is likely to continue implementing in the dense urban areas of Los Angeles. Most of the parks are pocket parks less than an acre in size with playground structures and exercise machines. These parks typically include zero or minimal structures and green space, and, because they are intended to serve the local community and be accessible by foot and bike, do not provide parking. The construction and operation of such small-scale facilities would be expected to have minimal environmental impacts. For example, it is anticipated that these parks would be located on vacant lots lacking biological or cultural resources; generate minimal vehicle traffic to the site, which would limit air quality, greenhouse gas, noise, and transportation impacts; and be able to accommodate a limited number of people due to their small size, which would reduce park noise levels.

Construction of new or expanded neighborhood or pocket park facilities to serve the CPA would occur in an urban center. Construction of new parks would be required to comply with applicable federal, State, and local regulations and policies discussed in this EIR, such as NPDES permit requirements, the City's Tree Ordinance and Noise Ordinance, and the California Building Code, including CALGreen requirements.

Potential environmental impacts of construction and operation of any new parks, as an allowed land use, have been evaluated throughout this EIR. Construction and operational impacts to air, noise, traffic, as well as other impacts of new developments are discussed throughout this EIR. It is not foreseeable that impacts from the construction of new or expanded parks in the CPA would have greater or different impacts than those identified in this EIR for construction or operations. Based on the urban location and the limited land available, the construction of a new park facilities would likely qualify for an infill exemption or result in less-than-significant impacts with standard regulatory compliance measures and project specific design features or project specific mitigation measures identified through a project EIR or mitigated negative declaration. To the extent that any significant impacts could result from the unique characteristics of a specific site, those impacts would be speculative at this time. Furthermore, the construction of a new park facility or expansion of an existing park facility would require a project-specific environmental analysis under CEQA to address any site-specific environmental concerns. Therefore, impacts related to recreational facilities would *be less than significant*.

Mitigation Measures

No mitigation measures are required.

Significance After Mitigation

Less than significant.

4.13.6.6 Cumulative Impacts

Future citywide development is expected to increase the City's residential population from just over 4 million persons in 2016 to more than 4.6 million persons in 2040, an increase of about 600,000 residents. This increase would exacerbate the existing need for new or expanded recreational facilities over time. In the absence of new parks, the citywide increase in park demand would be expected to accelerate the deterioration of existing parks, which would be a potentially significant cumulative impact. As discussed under **Impact 4.13-4**, the Proposed Plan would result in a potentially significant impact related to the deterioration of existing parks serving the CPA since there is not adequate space to provide sufficient park acreage to meet the projected increase in demand for parks based on the City's adopted standards. This would constitute a cumulatively considerable contribution to the significant cumulative impact related to park deterioration. The Quimby Act and Mitigation Fee Act would ameliorate park and recreational demands but likely not enough to meet all the demand. As discussed above, given the existing deficit of neighborhood and community parks, the analysis identifies a significant impact of the Project on the deterioration of existing recreational and park facilities. Therefore, Proposed Plan would make a substantial contribution to cumulative park impacts; thus, its cumulative impact is significant and unavoidable.

With respect to the construction of new parks, the City is currently in the process of constructing new parks and recreational facilities to serve its residents, as exemplified by the 50 Parks Initiative, and is anticipated to continue to do so in the future to meet increasing demand for parks. The City has approved the development of Sixth Street PARC (Park, Arts, River, and Connectivity Improvements), a 12-acre recreational space under the Sixth Street Viaduct. Construction is expected to begin in 2022. Expansion or construction of new pocket, neighborhood, community, and regional parks, or other recreational facilities such as the Sixth Street PARC, would have physical impacts to the environment (e.g., emissions of air pollutants, aesthetics impacts, noise impacts) that may be cumulatively significant. However, these impacts are likely to be localized and construction is not likely to overlap. As a result, it is not anticipated that the Proposed Plan will result in cumulative impacts.

As discussed under **Impacts 4.14-5**, the Proposed Plan would not result in a significant impact because it would not involve the development of new parks with the potential to result in significant environmental

effects. As such, the Proposed Plan would not substantially contribute to the potentially significant cumulative impact associated with new park construction. Cumulative impacts are less than significant

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RESOLUTION

This resolution amends the definitions of park sites and recreational amenities and facilities within the Public Recreation Plan of the Service Systems Element of the City of Los Angeles General Plan

WHEREAS, the City of Los Angeles provides public recreation, parks, beaches, multiuse trails, and open space facilities and sites within the City of Los Angeles;

WHEREAS, abundant and accessible parks and open space are essential components of healthy and sustainable neighborhoods and park and recreational facilities offer opportunities for physical activity, safe places for families and children, spaces for social interaction, access to nature, and places for mental respite;

WHEREAS, people who live within walking distance of a park or recreational facility are more likely to engage in physical activity;

WHEREAS, parks and open space provide people with access to nature which can improve psychological, social, and medical health;

WHEREAS, parks and open space provide aesthetic and environmental benefits such as urban cooling, stormwater management, and carbon and pollution sequestration, which can mitigate the impacts of pollution;

WHEREAS, parks and open space enhance property values, increase municipal revenues, and attract home buyers, workers, and tourists;

WHEREAS, the Southern California Association of Governments (SCAG) Regional Growth Forecast estimates that the City will add significantly more people during the coming decades. New residential construction in Los Angeles is necessary to accommodate the additional population;

WHEREAS, new residential construction should not diminish the City's park and recreational facilities or reduce the service level currently provided by the City;

WHEREAS, it is necessary to acquire and develop new park and recreational facilities to serve the new residential population and to maintain the existing service level;

WHEREAS, residential development projects that do not subdivide the land upon which units are constructed add population to the City and increase the demand for park and recreational facilities to the same extent as residential development projects which require land subdivision;

WHEREAS, the City's General Plan includes a number of policies to maintain and increase both the number and type of park and recreational facilities in the City, including identifying potential funding opportunities for new recreation and park facilities;

WHEREAS, the City's Health and Wellness Element of the General Plan strives for the equitable distribution of park and space in every Los Angeles neighborhood;

WHEREAS, three City Council motions called for a reexamination of the Park Fee policies, including adjusting park fee credits to reflect current costs of construction (Council File 07-3619), developing a proposed fee charged to developers of new market rate apartments to be used to purchase open space (Council File 07-3387-S2), and reviewing the requirements regarding the service radius for park acquisition and to recommend how the General Plan and the Municipal Code should be amended to the City's goals (Council File 05-1562);

WHEREAS, a combined Recreation and Parks Department and Department of City Planning working group and a Park Advisory Committee researched and discussed the primary issues associated with the City's park and recreation and regulations, including service radius, park level of service, qualifying parks, credits for on-site recreational amenities, deferrals for low-income housing, land dedication, residential fee schedule, and expanding park fees to other residential uses;

WHEREAS, the City has completed a nexus study of recreation and park impact fees and a review of reference city policies and impact fees;

WHEREAS, establishing a park and recreational impact fee for all residential development will require all project applicants to pay a fair share of the cost of acquiring, developing, and improving park and recreational facilities in the City;

WHEREAS, the fees established by this ordinance are based upon and do not exceed the cost of providing capital recreation and park facilities and sites necessitated by new residential development for which the fees are imposed.

NOW, THEREFORE, BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF LOS ANGELES AS FOLLOWS:

The Public Recreation Plan of the Service Systems Element of the Los Angeles City General Plan is amended to read as follows:

The Public Recreation Plan consists of this text and the map on the other side of this sheet.

The Public Recreation Plan-is a portion of the Service Systems Element of the Los Angeles City General Plan. This section of the Plan addresses neighborhood, community, and regional recreation sites and facilities. Subsequent sections will address other facilities.

PURPOSES

Use of the Plan

The Public Recreation Plan consists of this text and the map on the other side of this sheet. The plan map shows, in an illustrative manner, the general location of recreational sites on a citywide basis. More specific locations are shown on the adopted community plan maps.

The Public Recreation Plan (Plan) sets forth recreation guidelines intended to provide a basis for satisfying the needs for city recreational sites. The guidelines are not intended to set an upper limit for the areas of parks, recreational sites or other types of open space. Instead, they are intended to provide the City with a flexible and broad range of options on how park expenditures can be spent across the city.

The Plan emphasizes neighborhood, community, and regional recreational sites and parks because of their importance to the daily lives of the City's people, especially its children. In addition, this Plan elevates the importance of regional parks as community resources for active and passive recreational activity. It includes policies and programs to meet the needs for a broad range of recreational facilities. This Plan is to be continually revised to meet expanding needs for recreational sites.

In view of the limited availability of funds for acquisition and development of recreational sites, the Plan suggests that priority be given to those presently underserved areas of the City which have the greatest need for recreational sites and facilities.

Programs are intended to carry out the policies and accomplish the objectives of the Public Recreation Plan. This Plan does not mandate the City to commence any new programs which may require the expenditure of work-hours or funds.

Objectives of the Plan

The objectives for the Public Recreation Plan are based on recognized planning principles and the extent and nature of deficiencies in the City's recreational sites and facilities and are as follows:

- To provide a guide for the orderly development of publicly-accessible recreational sites and facilities in the City.
- To provide long-range guidelines for use in connection with new subdivisions, intensification of existing residential development, or redevelopment of blighted residential areas as described under general local recreation standards.
- To develop and locate publicly-accessible recreational sites and facilities to provide the greatest benefit to the greatest number of people at the least cost and with the least environmental impact.
- To provide a guide of priorities for the acquisition and development of public recreational facilities.
- To further refine and carry out the goals and objectives set forth in the Concept and Citywide Plan for recreation.

DEFINITIONS

Neighborhood Recreational Sites and Facilities- should provide space and amenities for outdoor and indoor recreational activities. It is intended to serve residents of all ages and abilities in their immediate neighborhood. Neighborhood recreation sites and facilities should be based on local community preferences, allow for both active and passive recreation for users of all ages and abilities, and be site-appropriate and suitable for the intended recreational activity.

When available, they should be transit accessible and available with facilities for meetings, dances, dramatic productions, arts and crafts, and other community-desired activities. Off-street parking should be provided whenever possible.

Community Recreational Sites and Facilities - should be designed to serve residents of all ages and abilities in several surrounding neighborhoods. Its amenities serve a much wider interest range than do those of a neighborhood site. The typical community recreational site or facility may offer recreational facilities for organized activities in addition to the amenities provided for neighborhood sites and facilities and specialized facilities as may be needed to meet the needs of the community.

Regional Recreational Sites and Facilities— provides specialized recreational facilities that have a regional draw, which normally serve persons living throughout the Los Angeles basin. A regional recreational site or facility may include, or emphasize, exceptional scenic attractions. A regional recreational site or facility may also contain the types of amenities provided in neighborhood and community recreational sites.

School Playgrounds of the Los Angeles Unified School District may supplement local recreational sites. They are open for a limited number of after school hours each day during the school year and on a full day schedule during the summer.

GUIDELINES

A satisfactory recreation system must measure up to accepted guidelines in several respects: there must be sufficient land area set aside for recreation; the recreation area must be equitably distributed throughout the City; there must be facilities to meet different recreational needs- including both active and passive recreation- and provision for residents of all ages and abilities; and the Department of Recreation and Parks should have the ability to develop and use flexible criteria to adapt and respond to the urgent need for parks, open spaces, and recreational facilities and the allocation of resources. Recreational sites and facilities should be provided at a broad range of levels that collectively help communities reach the recommended park acreage. An overall provision of 10 acres of land per 1,000 persons for total recreational sites and facilities is recommended. A minimum of 10% of the total land area should be in public recreation or open space.

The location and allocation of acreage for neighborhood, community, and regional recreational sites and facilities should be determined by the Department of Recreation and Parks on the basis of the service radius within residential areas throughout the City. No park site should be diminished in size or removed from any service area unless the required acreage is replaced within that district or unless the need is diminished due to population changes.

- **Neighborhood Recreational Sites and Facilities.** The following guidelines may apply to neighborhood recreational sites: If coordinated and used with a school playground, up to one-half the acreage of the playground may be counted toward the total acreage required, but a school playground alone is not likely to suffice to properly serve a neighborhood.
 - The service radius of a neighborhood recreational site or facility should generally be within walking distance of the site.
 - The site or facility space should be located within a neighborhood so that users are not required to cross a major arterial street or highway when walking to the site.
 - The type of activities and programs conducted at each neighborhood site or facility should be determined by measuring the desires of the clientele in the area served. Care must be taken to provide activities for residents' of all ages and abilities groups within the neighborhood.
 - The population characteristics of each area served should be used in determining the general facilities required.
 - The recommended service levels for neighborhood sites and facilities is 2 acres per 1,000 residents.
-
- **Community Recreational Sites and Facilities.** The following guidelines may apply to community recreational sites: Community recreational sites and facilities can be of any size, but are generally larger than neighborhood parks. Community-serving recreational amenities may be included on smaller sites that have a larger geographic draw, e.g. a swimming pool on a smaller parcel.
 - If coordinated with high school or junior high school site, up to one-half the required acreage may be fulfilled by the school play area.
 - The service radius of a community site should generally be accessible within a relatively short bike, bus, or car trip.
 - The community site or facility should be easily accessible to the area served.
 - The community site or facility may serve several neighborhoods.
 - The types of activities available at the community site or facility should be determined by measuring the desires of the population served.
 - The recommended service levels for community sites and facilities are 2 acres per 1,000 residents.

Regional Recreational Sites and Facilities. The following guidelines may apply to regional recreational sites:

- Regional recreational sites and facilities can be large urban recreational sites or can be smaller sites or facilities that draw visitors from across the City.
- The service radius of a regional recreational site should generally be within a reasonable drive.
- Regional sites or facilities should serve the entire City
- Regional sites or facilities typically include a broad range of facilities that are appropriate for large parks of that size and have a large regional draw.
- The population characteristics of each area served should be used in determining the general facilities required.
- The recommended service levels for regional recreational sites and facilities are 6 acres per 1,000 residents.

POLICIES

Recreational facilities and services should be provided for all segments of the population on the basis of present and future projected needs, the local recreational standards, and the City's ability to finance.

- Park and recreation sites shall be acquired and developed first in those areas of the City found to be most deficient in terms of the recreation standards.
- Recreational use should be considered for available open space and unused or underused land, particularly publicly owned lands having potential for multiple uses.
- High priority will be given to areas of the City which have the fewest recreational services and the greatest numbers of potential users.

PROGRAMS

- Continue to include land acquisition for park and recreational purposes as a regular item in the City's Five Year Capital Improvement Program.
- Prepare a priority schedule based on greatest need for acquiring and developing park and recreational sites.
- Seek federal, state and private funds to implement acquisition and development of parks and recreational facilities.
- Establish policies to facilitate donation of parks to the City.
- Lease or acquire unused or abandoned properties suitable for recreational activities.
- Encourage multiple use of public properties such as power line or flood control rights of way, debris basins, reservoir sites, etc., for recreation.

POLICIES - Community Buildings/Gymnasiums

- Park community buildings should be designated as large and flexible structures to permit a wide variety of recreation activities, meeting the needs of all groups and special interests, to adequately serve the current and future community.
- The availability of community buildings/gymnasiums will be based on the needs of the local population between the ages of 7 to 34. It is this age range which most uses gymnasiums.

PROGRAMS - Community Buildings/ Gymnasiums

- Use the areas of Public Community Building Deficiency identified in the Public Recreation Plan -Section 1, Background Report as guides for locating new community buildings as funds become available. A program for updating the Table and Public Community Building

Maps by the Department of Recreation and Parks and the Planning Department should be initiated as important changes in population, land use and facilities occur.

- Encourage the Los Angeles City School District to remove the emergency energy curtailment program which results in the closure of two-thirds of its public gymnasium facilities one night a week on rotation, and to reactivate the closing only in times of demonstrated emergency.
- The Department of Recreation and Parks should develop standard sets of criteria and designs for local recreation center buildings.
- Design of new community buildings should, include a gymnasium with a minimum size which would permit basketball play. It is desirable that the gymnasium be large enough to permit a regulation size high school basketball court.

POLICIES - Swimming Pools

- Swimming pool service levels will be based on the needs of the local population between the ages of 6 to 20. It is this age range which most use public pools.
- New pools should be located to maximize use in various swimming programs. Where possible, new pools should be located on or near junior high school or high school sites.

PROGRAMS - Swimming Pools

- Use the areas of Public Swimming Pool Deficiency identified in the Public Recreation Plan - Section 1 Background Report as guides for locating new swimming pools as funds become available. A program for updating the Table and Public Swimming Pool Maps by the Department of Recreation and Parks and the Planning Department should be initiated as important changes in population, land use and facilities occur.
- The Department of Recreation and Parks and the Los Angeles City School District should continue and expand the cooperative efforts regarding joint use of swimming pools.
- The City of Los Angeles should continue to locate new swimming pools at junior high school and high school sites where appropriate.

POLICIES - Tennis Courts

- Tennis service levels will be based on the needs of the local population between the ages of 10 to 61. It is this age range which most use tennis courts.
- Use of existing and future tennis courts should be maximized through design, lighting and operation.

PROGRAMS - Tennis Courts

- Use the areas of Public Tennis Court Deficiency Identified in the Public Recreation Plan - Section 1 Background Report as guides for locating new tennis facilities as funds become

available. A program for updating the Table and the Public Tennis Court Maps by the Department of Recreation and Parks and the Planning Department should be initiated as important changes in population, land use and facilities occur.

- Continue the program of designing new facilities with night lighting adequately shielded to assure the privacy of adjacent residential uses.
- Continue the program of illuminating unlighted public park tennis courts and encourage lighting of school tennis facilities in tennis court deficient areas when funds become available.
- Continue the program of building tennis courts in groups rather than one at a time.

Letter 2 **Los Angeles Department of Recreation and Parks**
Jimmy Kim, General Manager
Darryl Ford, Superintendent, Planning, Maintenance, and Construction Branch
221 N Figueroa Street, Suite 400
Los Angeles, CA 90012
September 22, 2022

Response 2-1

The comment is an introduction to detailed comments, which are addressed below. No further response is required.

Response 2-2

The commenter notes the inconsistencies in the number of facilities Section 4.13.6.1. See **Chapter 2.0, Corrections and Additions**, for this revision made to Section 4.13, Public Services and Recreation (for p 4.13-57). These revisions do not affect the DEIR analysis or conclusions.

Response 2-3

The commenter notes that the minimum acreage for neighborhood, community, and regional parks should be based on the 2016 Public Recreation Plan. See **Chapter 2.0 Corrections and Additions**, for this revision made to Section 4.13, Public Services and Recreation (for p 4.13-58) of the Draft EIR. These revisions do not affect the DEIR analysis or conclusions.

Response 2-4

The commenter notes that the references to pocket parks should be deleted and the number of parks in the Plan area should be revised. See **Chapter 2.0, Corrections and Additions**, for this revision made to Section 4.13, Public Services and Recreation (for p 4.13-58). These revisions do not affect the DEIR analysis or conclusions.

Response 2-5

The commenter notes corrections for Table 4.13-16. See **Chapter 2.0, Corrections and Additions**, for this revision made to Section 4.13, Public Services and Recreation (for p 4.13-60). These revisions do not affect the DEIR analysis or conclusions.

Response 2-6

The commenter notes corrections for Table 4.13-17. Revisions to Table 4.13-17 have been made and can be found in **Section 2.0, Corrections and Additions**. These revisions do not affect the DEIR analysis or conclusions.

Response 2-7

The commenter notes updates for the recreational standards based on the 2016 Public Recreation Plan. See **Chapter 2.0, Corrections and Additions**, for this revision made to Section 4.13, Public Services and Recreation (for p 4.13—71). These revisions do not affect the DEIR analysis or conclusions.

Response 2-8

The Commenter notes revisions to the Quimby Act description. See **Chapter 2.0, Corrections and Additions**, for this revision made to Section 4.13, Public Services and Recreation (for p 4.13-73). These revisions do not affect the DEIR analysis or conclusions.

Response 2-9

The commenter noted that RAP is constructing a new neighborhood park within the CPA called “Brooklyn Heights Park.” References to this new park have been added throughout the EIR and are shown in **Section 2.0, Corrections and Additions**. These revisions do not affect the DEIR analysis or conclusions.

Response 2-10

The commenter provides an attached Section 4.13, Public Services and Recreation, of the DEIR, with additional edits and comments. These revisions have been made and can be found in **Section 2.0, Corrections and Additions**. These revisions do not affect the DEIR analysis or conclusions.



Boyle Heights Community Plan Update (Proposed Plan)

Gabrieleno Administration <admin@gabrielenoindians.org>
To: boyleheightsplan@lacity.org

Thu, Aug 4, 2022 at 11:16 AM

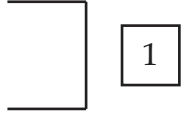
Hello Ernesto Gonzalez,

Thank you for your letter dated July 28,2022. Please see the attachment below.

Thank you

Sincerely,

Savannah Salas
Admin Specialist
Gabrieleno Band of Mission Indians - Kizh Nation
PO Box 393
Covina, CA 91723
Office: 844-390-0787
website: www.gabrielenoindians.org



The region where Gabrieleño culture thrived for more than eight centuries encompassed most of Los Angeles County, more than half of Orange County and portions of Riverside and San Bernardino counties. It was the labor of the Gabrieleño who built the missions, ranchos and the pueblos of Los Angeles. They were trained in the trades, and they did the construction and maintenance, as well as the farming and managing of herds of livestock. “The Gabrieleño are the ones who did all this work, and they really are the foundation of the early economy of the Los Angeles area “. “That’s a contribution that Los Angeles has not recognized--the fact that in its early decades, without the Gabrieleño, the community simply would not have survived.”

 **Boyle Heights Community Plan Update (Proposed Plan).pdf**
112K



GABRIELENO BAND OF MISSION INDIANS - KIZH NATION
Historically known as The Gabrielino Tribal Council - San Gabriel Band of Mission Indians
recognized by the State of California as the aboriginal tribe of the Los Angeles basin

August 4, 2022

Project Name: Boyle heights Community Plan Update (Proposed Plan)

Dear Ernesto Gonzalez,

Thank you for your email dated July 28,2022. Regarding the project above. This is to concur that we are in agreement with the General Plan. However, our Tribal government would like to request consultation for any and all future projects within this location.



2

Sincerely,

Andrew Salas, Chairman
Gabrieleno Band of Mission Indians – Kizh Nation
(626) 521-5827
(844) 390-0787

Andrew Salas, Chairman
Albert Perez, treasurer I

Nadine Salas, Vice-Chairman
Martha Gonzalez Lemos, treasurer II

Dr. Christina Swindall Martinez, secretary
Richard Gradias, Chairman of the council of Elders

Letter 3 **Gabrieleno Band of Mission Indians - Kizh Nation**
Andrew Salas, Chairman
PO Box 393
Covina, CA 91723
August 4, 2022

Response 3-1

The commenter states that the comment letter is attached. The letter was received and is responded to below.

Response 3-2

The commenter states their concurrence with the Proposed Plan and requests consultation for future projects within the Boyle Heights CPA. Tribal consultation is required under AB 52. The City will conduct consultation with the Gabrieleno Band of Mission Indians – Kizh Nation for individual projects as required.



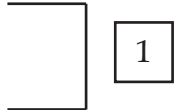
DEIR Response to Boyle Heights Community Plan Update (File Number: ENV-2016-2906-EIR)

'Huffman, Mandy' via Boyle Heights Plan <boyleheightsplan@lacity.org>
Reply-To: "Huffman, Mandy" <mandyhuffman@lacs.org>
To: "boyleheightsplan@lacity.org" <boyleheightsplan@lacity.org>

Thu, Sep 22, 2022 at 1:25 PM

Dear Mr. Gonzalez:

Attached please find Los Angeles County Sanitation Districts' response to the subject project.



Sincerely,

Mandy Huffman


Environmental Planner | Wastewater Planning

562-908-4288 ext. 2743

mandyhuffman@lacs.org



[Website](#) | [Facebook](#) | [Twitter](#) | [Instagram](#) | [YouTube](#)

 **DMS-#6702451-v2-Response_Letter_to_City_of_Los_Angeles_re__DEIR_for_Boyle_Heights_Community_Plan_Update.PDF**
303K



LOS ANGELES COUNTY SANITATION DISTRICTS
Converting Waste Into Resources

Robert C. Ferrante

Chief Engineer and General Manager

1955 Workman Mill Road, Whittier, CA 90601-1400
Mailing Address: P.O. Box 4998, Whittier, CA 90607-4998
(562) 699-7411 • www.lacsd.org

September 22, 2022

Ref. DOC 6646671

Mr. Ernesto Gonzalez
City of Los Angeles
Department of City Planning
200 North Spring Street, Room 667
Los Angeles, CA 90012

Dear Mr. Gonzalez:

DEIR Response to Boyle Heights Community Plan Update (File Number: ENV-2016-2906-EIR)

The Los Angeles County Sanitation Districts (Districts) received a Draft Environmental Impact Report (DEIR) for the subject project on August 1, 2022. A portion of the Boyle Heights Community (Community) in the City of Los Angeles (City) is located within the jurisdictional boundaries of District No. 2. We offer the following comments on the DEIR:

1. The Districts own, operate, and maintain the Indiana Street Pumping Plant, a subsurface wastewater pumping facility located under the Indiana Street public right-of-way near 180 N. Indiana Street that serves the local community. The Districts also own the property located at 207 N. Indiana Street, which is within the area addressed by the DEIR. Following consultation in 2011 with staff in the City’s Building & Safety Department (Mr. Lincoln Lee) and Planning Department (Mr. Greg Shoop), who confirmed the Districts are exempt from the City’s Building and Zoning Codes pursuant to California Government Code 53091, the Districts designed and constructed a building with a residential façade on the property to house an emergency generator and ancillary equipment to support the Pumping Plant. The residential façade was added to ensure the building would blend in with the surrounding residential homes. The Districts do not object to the proposed change in the underlying land use for our property at 207 N. Indiana Street provided that any subsequent ordinances or regulations that may stem from this land use change do not impact or otherwise limit our ability to continue to operate, maintain, or repair this critical wastewater conveyance facility that serves the local community. 2
2. The Districts own, operate, and maintain the large trunk sewers that form the backbone of the regional wastewater conveyance system. Local collector and/or lateral sewer lines are the responsibility of the jurisdiction in which they are located. As such, the Districts cannot comment on any deficiencies in the sewerage system in the Community except to state that presently no deficiencies exist in Districts’ facilities that serve the Community. As stated in the DEIR, wastewater generated by most of the Community will be treated by the City of Los Angeles Hyperion Treatment System. Questions regarding sewerage service for the Community should also be directed to the City’s Department of Public Works. 3
3. The wastewater generated by a portion of the Community will be treated at the Joint Water Pollution Control Plant located in the City of Carson, which has a capacity of 400 million gallons per day (mgd) and currently processes an average flow of 243.1 mgd. 4
4. The Districts should review individual developments within the Community to determine whether sufficient trunk sewer capacity exists to serve each project and if Districts’ facilities will be affected by the project. 5

5. In order to estimate the volume of wastewater the project will generate, go to www.lacsd.org, under Services, then Wastewater Program and Permits and select Will Serve Program, and then click on the [Table 1, Loadings for Each Class of Land Use](#) link for a copy of the Districts' average wastewater generation factors. 6
6. The Districts are empowered by the California Health and Safety Code to charge a fee to connect facilities (directly or indirectly) to the Districts' Sewerage System or to increase the strength or quantity of wastewater discharged from connected facilities. This connection fee is used by the Districts for its capital facilities. Payment of a connection fee may be required before this project is permitted to discharge to the Districts' Sewerage System. For more information and a copy of the Connection Fee Information Sheet, go to www.lacsd.org, under Services, then Wastewater (Sewage) and select Rates & Fees. In determining the impact to the Sewerage System and applicable connection fees, the Districts will determine the user category (e.g. Condominium, Single Family Home, etc.) that best represents the actual or anticipated use of the parcel(s) or facilities on the parcel(s) in the development. For more specific information regarding the connection fee application procedure and fees, the developer should contact the Districts' Wastewater Fee Public Counter at (562) 908-4288, extension 2727. 7
7. In order for the Districts to conform to the requirements of the Federal Clean Air Act (CAA), the capacities of the Districts' wastewater treatment facilities are based on the regional growth forecast adopted by the Southern California Association of Governments (SCAG). Specific policies included in the development of the SCAG regional growth forecast are incorporated into clean air plans, which are prepared by the South Coast and Antelope Valley Air Quality Management Districts in order to improve air quality in the South Coast and Mojave Desert Air Basins as mandated by the CAA. All expansions of Districts' facilities must be sized and service phased in a manner that will be consistent with the SCAG regional growth forecast for the counties of Los Angeles, Orange, San Bernardino, Riverside, Ventura, and Imperial. The available capacity of the Districts' treatment facilities will, therefore, be limited to levels associated with the approved growth identified by SCAG. As such, this letter does not constitute a guarantee of wastewater service, but it is to advise the developer that the Districts intend to provide this service up to the levels that are legally permitted and to inform the developer of the currently existing capacity and any proposed expansion of the Districts' facilities. 8

If you have any questions, please contact the undersigned at (562) 908-4288, extension 2743, or mandyhuffman@lacsd.org.

Very truly yours,

Mandy Huffman

Mandy Huffman
Environmental Planner
Facilities Planning Department

SP:MNH:mnh

Letter 4 **Los Angeles County Sanitation Districts**
Mandy Huffman, Environmental Planner, Facilities Planning Department
1955 Workman Mill Road
Whittier, CA 90607
September 22, 2022

Response 4-1

The commenter states that the Los Angeles County Sanitation Districts' response is attached. The letter was received and is responded to below.

Response 4-2

The commenter provides a statement in support of the proposed land uses changes underlying the Districts' property at 207 N. Indiana Street, provided that any subsequent ordinances or regulations that may stem from this land use change do not impact or otherwise limit their ability to continue to operate, maintain, or repair this critical wastewater conveyance facility that serves the local community. Refer to **Master Response 1: General Comments and Non-CEQA Issues**. All land use changes that have impacts beyond those identified in this EIR would be subject to subsequent project-level environmental review, wherein potential site- or project-specific impacts, if any, would be addressed, including the Districts' property.

Response 4-3

The commenter provides a general statement regarding the state of the current sewer infrastructure in the CPA. As stated in the EIR and the comment letter, most wastewater generated within the CPA is and will continue to be treated by the City of Los Angeles Hyperion Treatment System. The comment does not identify the potential for new physical environmental impacts not addressed in the EIR, and no specific response is required. The comment will be included as part of the record and forwarded to the decision-makers for their review and consideration prior to any action being taken on the Proposed Plan.

Response 4-4

The commenter clarifies that a portion of the CPA's wastewater is treated at the Joint Water Pollution Control. See **Chapter 2.0, Corrections and Additions** (for p. 4.16-39). These revisions do not affect the DEIR analysis or conclusions.

Response 4-5

The commenter states the Districts should review individual projects to determine whether there is sufficient trunk sewer capacity. As stated in the EIR on page 4.16-32, the City requires that future project applicants coordinate with LADWP to ensure that existing and/or planned water conveyance facilities are capable of meeting water demand/pressure requirements. The precise location and connection would need

to be determined at the time development is proposed. Should any new connections or upgrades be required, such upgrades would be subject to subsequent environmental review. Any future line size modifications or connections would be designed in accordance with applicable provisions of the Municipal Code.

Response 4-6

The commenter provides a link to estimate the volume of wastewater for future projects. Table 4.16-14, Existing (2016) and Future (2040) Estimated Wastewater Generation for the Boyle Heights Community Plan Area, of the Draft EIR, provides calculations of the estimated net change in wastewater generation over the lifetime of the Plan. These are programmatic estimates. Future projects will be subject to subsequent wastewater generation calculations. The comment does not identify the potential for new physical environmental impacts not addressed in the EIR, and no specific response is required. The comment will be included as part of the record and forwarded to the decision-makers for their review and consideration prior to any action being taken on the Proposed Plan.

Response 4-7

The commenter provides information regarding the fees charged by the Districts to connect facilities to the Districts' Sewerage System. The comment does not identify the potential for new physical environmental impacts not addressed in the EIR, and no specific response is required. The comment will be included as part of the record and forwarded to the decision-makers for their review and consideration prior to any action being taken on the Proposed Plan. As stated in the EIR on page 4.16-51, Los Angeles Municipal Code (LAMC) Sections 64.11 and 64.12 require approval of a sewer permit, also called an "S" Permit, prior to connection to the wastewater system. LAMC Sections 64.11.2 and 64.16.1 require the payment of fees for new connections to the City's sewer system to assure the sufficiency of sewer infrastructure.

Response 4-8

The commenter provides information on how the District determines capacity and expansion of service and affirms the comment letter does not constitute a guarantee of service. As stated in Section 4.12 Population and Housing (p. 4.12-30) of the Draft EIR, the Proposed Plan emphasizes development along transit corridors consistent with City, and SCAG policy direction. The corridor-focused approach to concentrating new development is also consistent with State policy aimed at meeting housing needs while reducing vehicle trips and improving air quality. As a result, the Proposed Plan would better accommodate projected population and housing demand with the proposed land use and zoning changes in place. The City accommodates the SCAG growth forecasts on a citywide basis and the Proposed Plan is intended to accommodate growth specifically for the Boyle Heights CPA. The Proposed Plan would expand the

development capacity of the CPA in a manner consistent with SCAG policies and is not intended or forecasted to create growth beyond the SCAG growth forecasts.



Ernesto Gonzalez <ernesto.a.gonzalez@lacity.org>

Boyle Heights Community Plan Update - LADWP Comment Letter

Martin, Jazmin <Jazmin.Martin@ladwp.com>

Mon, Sep 19, 2022 at 11:11 AM

To: "boyleheightsplan@lacity.org" <boyleheightsplan@lacity.org>

Cc: "Styers, Marshall" <Marshall.Styers@ladwp.com>, "Hauptman, Jane" <Jane.Hauptman@ladwp.com>, "Parker, Nadia" <NadiaJ.Parker@ladwp.com>, "Demos, Nick" <Nick.Demos@ladwp.com>, "Nevarez, David" <David.Nevarez@ladwp.com>, "Woo, Reagan J W" <ReaganJW.Woo@ladwp.com>

Good Morning,

The Los Angeles Department of Water and Power (LADWP) would like to submit the attached comment letter to the project record for the Boyle Heights Community Plan Update with file number ENV-2016-2906-EIR.

1

Please let me know if you have any questions.

Thank you,

Jazmin Martin

Environmental Specialist, Environmental Planning and Assessment

Los Angeles Department of Water and Power

[111 N. Hope Street, Room 1044, Los Angeles, CA 90012](#)Jazmin.Martin@ladwp.com | (213) 367-1768

-----Confidentiality Notice-----

This electronic message transmission contains information from the Los Angeles Department of Water and Power, which may be confidential. If you are not the intended recipient, be aware that any disclosure, copying, distribution or use of the content of this information is prohibited. If you have received this communication in error, please notify us immediately by e-mail and delete the original message and any attachment without reading or saving in any manner.

 ES22-0487 BHCPU - Comment Letter_Final.pdf
293K



BUILDING A STRONGER L.A.

Board of Commissioners
Cynthia McClain-Hill, President
Cynthia M. Ruiz, Vice President
Jill Banks Barad-Hopkins
Mia Lehrer
Nicole Neeman Brady
Chante L. Mitchell, Secretary

Martin L. Adams, General Manager and Chief Engineer

September 19, 2022

Mr. Ernesto Gonzalez
City of Los Angeles
Department of City Planning
200 North Spring Street, Room 667
Los Angeles, CA 90012

Dear Mr. Gonzalez:

Subject: Boyle Heights Community Plan Update
Case Numbers: CPC-2016-2905-CPU and ENV-2016-2906-EIR

The Los Angeles Department of Water and Power (LADWP) appreciates the opportunity to provide comments on the Boyle Heights Community Plan Update (Proposed Plan). The Proposed Plan Area is located immediately east of Downtown and the Los Angeles River, and rail corridor and flanks the eastern boundary of the City of Los Angeles. Its boundaries are approximately defined by the San Bernardino Freeway/Interstate 10 and Marengo Street on the north, the Union Pacific and Santa Fe Railroad tracks on the south, Indiana Street on the east, and the Union Pacific and Santa Fe Railroad tracks and the Los Angeles River on the west. The mission of LADWP is to provide clean, reliable water and power to the City of Los Angeles. Based on our review of the Draft Environmental Impact Report prepared for the Proposed Plan, we respectfully submit the comments below.

2

Comments

- 1) The City of Los Angeles Department of City Planning (Permittee) referenced herein shall pertain to its employees, agents, consultants, contractors, officers, patrons or invitees of Permittee, or by any other of Permittee’s affiliated entities.
- 2) The information provided, to date, is inadequate for properly reviewing the proposed improvements within sections of LADWP’s Transmission Line Right of Way (TLRW). We therefore reserve the right to comment until more detailed information is provided regarding the proposed project. Provide plans illustrating LADWP’s TLRW boundaries within the proposed project. Include LADWP towers

3

4

Mr. Ernesto Gonzalez
Page 2
September 19, 2022

and set-backs from the proposed improvements. Also, provide grading plan and utility plans, including any other plans illustrating the impacts to LADWP's TLRW. The plans should include Assessor Parcel Numbers, state plane coordinates, or use the Public Land Survey System to locate the developments impacting LADWP's TLRW.

4

- 3) If Permittee is proposing to utilize the existing access roads to construct, operate, and maintain the proposed improvements, then a joint agreement needs to be put in place to cover the cost for the future operations and maintenance of the existing access roads. LADWP currently operates and maintains these existing access roads. If new access roads are planned within LADWP's TLRW, Permittee shall provide plans of proposed access roads for LADWP's review and approval.
- 4) Plans may be submitted for review to LADWP's Real Estate Services Office via the following email: RE.Office@ladwp.com and copy LADWP's Environmental Supervisor, Ms. Nadia J. Parker, at NadiaJ.Parker@ladwp.com and Environmental Specialist, Ms. Jazmin Martin, at Jazmin.Martin@ladwp.com.

5

Conditions

- 1) Permittee shall acknowledge the LADWP TLRW's are integral components of the transmission line system, which provides electric power to the City of Los Angeles and other local communities. Their use is under the jurisdiction of the North American Electric Reliability Corporation, an organization of the Federal Energy Regulatory Commission. Safety and protection of critical facilities are the primary factors used to evaluate secondary land use proposals. The rights-of-way serve as platforms for access, construction, maintenance, facility expansion and emergency operations. Therefore, the proposed use may, from time to time, be subject to temporary disruption caused by such operations.
- 2) No improvements, structures, grading, excavations, or construction activities of any kind whatsoever shall be allowed within LADWP's TLRW without prior written approval of LADWP.
- 3) No excavations are allowed within 50 feet around the base of tower footings.
- 4) An area within 100 feet on all sides of each tower shall remain open and unobstructed for maintenance and emergencies, including periodic washing of insulators by high-pressure water spray.
- 5) No equipment with the height over 14 feet shall be allowed to travel within the LADWP TLRW without the written approval of LADWP. Equipment higher than 14 feet may require submittal of a Conductor Survey to the LADWP Overhead

6

Mr. Ernesto Gonzalez
Page 3
September 19, 2022

Transmission Engineering Group to ensure clearances meet the California Public Utilities Commission, General Order No. 95. It is the Permittee's responsibility to comply with all applicable standards and safety regulations while working near or under high voltage overhead transmission lines.

- 6) Vehicle and/or truck repair, refueling, washing, and change of oil, are prohibited within LADWP's TLRW.
- 7) The LADWP will object to any drainage structures or the discharging of drainage onto or within LADWP's TLRW.
- 8) Any temporary work within or immediately adjacent to LADWP's TLRW requires approval from LADWP.
- 9) Ground cover for all below ground utilities within LADWP's TLRW shall not be less than four feet.
- 10) The right-of-way (ROW) contains high-voltage electrical conductors; therefore, Permittee shall utilize only such equipment, material, and construction techniques that are permitted under applicable safety ordinances and statutes, including the following: State of California Code of Regulations, Title 8, Industrial Relations, Chapter 4, Division of Industrial Safety, Subchapter 5, Electrical Safety Orders, and California Public Utilities Commission, General Order No. 95, Rules for Overhead Electric Line Construction.
- 11) All aboveground metal structures including, but not limited to, pipes, drainage devices, fences, and bridge structures located within or adjoining the ROW shall be properly grounded, and shall be insulated from any fencing or other conductive materials located outside of the ROW. For safety of personnel and equipment, all equipment and structures shall be grounded in accordance with State of California Code of Regulations, Title 8, Section 2941, and National Electric Code, Article 250.
- 12) If excavations are required, utility agencies within the proposed excavation sites shall be notified of impending work. The Permittee shall be responsible for coordinating relocation of utilities, if any, within the project boundaries. Before commencing any excavations, Underground Service Alert (a.k.a. DigAlert) shall be notified.
- 13) Additional conditions may be required following review of detailed site plans, grading/drainage plans, etc.

This reply shall not be construed as an approval of this proposed plan and/or project.

Mr. Ernesto Gonzalez
Page 4
September 19, 2022

For any questions regarding the above comments, please contact Ms. Jazmin Martin of my staff at (213) 367-1768 or Jazmin.Martin@ladwp.com.

Sincerely,

Charles C. Holloway
Manager of Environmental Planning and Assessment

JM:ml
c: Ms. Jazmin Martin
Ms. Nadia Parker

Letter 5 **Los Angeles Department of Water and Power**
Charles Holloway, Manager, Environmental Planning and Assessment
11 N Hope Street, Room 1044
Los Angeles, CA 90012
September 19, 2022

Response 5-1

The commenter states that the Los Angeles Department of Water and Power (LADWP) comment letter is attached. The letter was received and responded to below.

Response 5-2

The comment is an introduction to LADWP's detailed comments, which are addressed below. No further response is required.

Response 5-3

The commenter provides a statement that for purposes of the comments, the City of Los Angeles Department of City Planning is assumed to be Permittee. The comment identifies no new physical environmental impacts, and no specific response is required. The comment will be included as part of the record and forwarded to the decision-makers for their review and consideration prior to any action being taken on the Proposed Plan.

Response 5-4

The comment relates to project-level review of proposed improvements. The project is a plan level document, and no specific improvements are proposed at this time. LADWP is encouraged to comment on individual development projects as they are identified. As noted, individual development projects will submit plans that meet LADWP's specifications. As no improvements are proposed at this time, no further response is required.

Response 5-5

The commenter provides contact information to submit future plans for review. Refer to **Response 5-4**.

Response 5-6

The comment relates to specifications for development of projects. The project is a plan level document and no specific improvements are proposed at this time. LADWP is encouraged to comment on individual development projects as they are identified. As noted, individual development projects will submit plans that meet LADWP's specifications. As no improvements are proposed at this time, no further response is required.



Ernesto Gonzalez <ernesto.a.gonzalez@lacity.org>

Technical Data Request: Boyle Heights Community Plan Update, City EIR No. ENV-2016-2906-EIR, CPC -2016-2905-CPU Project

Evelyn Aguilar <eaguilar@aqmd.gov>
To: "boyleheightsplan@lacity.org" <boyleheightsplan@lacity.org>
Cc: Sam Wang <swang1@aqmd.gov>

Thu, Aug 25, 2022 at 5:11 PM

Dear Ernesto Gonzalez,

South Coast AQMD staff received the Draft Environmental Impact Report (Draft EIR) for the Boyle Heights Community Plan Update Project (South Coast AQMD Control Number: LAC220802-02). Staff is currently in the process of reviewing the Draft EIR. The public commenting period is from 7/28/2022 – 9/26/2022.

Upon review of the files provided as part of the public review period, I was able to access the Draft EIR and Appendices on the City's website.

Please provide an electronic copy of any live modeling and emission calculation files (complete files, not summaries) that were used to quantify the air quality impacts from construction and/or operation of the Proposed Project as applicable, including the following:

1

- CalEEMod Input Files (.csv files);
- Live EMFAC output files;
- Any emission calculation file(s) (live version of excel file(s); no PDF) used to calculate the Project's emission sources;
- AERMOD Input and Output files, including AERMOD View file(s) (.isc);
- Any files used for cancer risk calculation from the Project.

You may send the above-mentioned files via a Dropbox link in which they may be accessed and downloaded by South Coast AQMD staff **by 09/02/22**. Without all files and supporting documentation, South Coast AQMD staff will be unable to complete a review of the air quality analyses in a timely manner. Any delays in providing all supporting documentation will require additional time for review beyond the end of the comment period.

If you have any questions regarding this request, please contact me.

Thank you,

Evelyn Aguilar

Air Quality Specialist, CEQA-IGR

Planning, Rule Development & Implementation

South Coast Air Quality Management District

21865 Copley Drive, Diamond Bar, CA 91765

Phone: 909-396-3148

E-mail: eaguilar@aqmd.gov

Hours of operation:

Tuesday - Friday 7:00 AM to 5:30 PM



Cleaning the air that we breathe.....™

Letter 6 **South Coast Air Quality Management District**
Evelyn Aguilar, Air Quality Specialist
21865 Copley Drive
Diamond Bar, CA 91765
August 25, 2022

Response 6-1

The commenter requested an electronic copy of all live modeling and emissions calculations files that were used to quantify the air quality impacts from construction and operation of the Specific Plan, include any CalEEMod Input Files, live EMFAC output files, emissions calculation files, AERMOD Input and Output Files, and any files used for cancer risk calculation. All relevant documents were provided to South Coast AQMD staff on September 2, 2022.



Ernesto Gonzalez <ernesto.a.gonzalez@lacity.org>

South Coast AQMD Staff's Comments on Draft EIR for the Proposed Boyle Heights Community Plan Update Project (SCH #20216091010)

3 messages

Evelyn Aguilar <eaguilar@aqmd.gov>
To: "boyleheightsplan@lacity.org" <boyleheightsplan@lacity.org>
Cc: Sam Wang <swang1@aqmd.gov>, Michael Morris <mmorris@aqmd.gov>

Tue, Oct 11, 2022 at 3:23 PM

Dear Ernesto Gonzalez,

Attached are South Coast AQMD staff's comments on the Draft Environmental Impact Report (Draft EIR) for the Proposed Boyle Heights Community Plan Update Project (SCH #2016091010) (South Coast AQMD Control Number: LAC220802-02). City EIR No. ENV-2016-2906-EIR, CPC-2016-2905-CPU.

1

Please contact me if you have any questions regarding these comments.

Thank you,

Evelyn Aguilar
Air Quality Specialist, CEQA-IGR
Planning, Rule Development & Implementation
South Coast Air Quality Management District
21865 Copley Drive, Diamond Bar, CA 91765
Phone: 909-396-3148
E-mail: eaguilar@aqmd.gov

Hours of operation:
Tuesday - Friday 7:00 AM to 5:30 PM



Cleaning the air that we breathe.....™

Ernesto Gonzalez <ernesto.a.gonzalez@lacity.org>

Tue, Oct 11, 2022 at 4:16 PM

To: Evelyn Aguilar <eaguilar@aqmd.gov>

Cc: "boyleheightsplan@lacity.org" <boyleheightsplan@lacity.org>, Sam Wang <swang1@aqmd.gov>, Michael Morris <mmorris@aqmd.gov>

Hello Evelyn

Thank you for the comment letter, it has been received and filed.



LOS ANGELES
CITY PLANNING

Ernesto Gonzalez

Pronouns: He, His, Him

Planning Assistant

Los Angeles City Planning

200 N. Spring St., Room 667

Los Angeles, CA 90012

T: (213) 978-1304 | Planning4LA.org



[Quoted text hidden]

Evelyn Aguilar <eaguilar@aqmd.gov>

Tue, Oct 11, 2022 at 4:25 PM

To: Ernesto Gonzalez <ernesto.a.gonzalez@lacity.org>

Cc: Sam Wang <swang1@aqmd.gov>

Hello Ernesto,

Thank you for the confirmation e-mail.

Sincerely,

Evelyn Aguilar

Air Quality Specialist, CEQA-IGR

Phone: 909-396-3148

[Quoted text hidden]



South Coast Air Quality Management District

21865 Copley Drive, Diamond Bar, CA 91765-4178
(909) 396-2000 • www.aqmd.gov

SENT VIA E-MAIL:

October 11, 2022

boyleheightsplan@lacity.org

Ernesto Gonzalez, Planning Assistant
City of Los Angeles Department of City Planning
200 N. Spring Street, Room 667
Los Angeles, California 90012

**Draft Environmental Impact Report (Draft EIR) for the Proposed
Boyle Heights Community Plan Update Project (ENV-2016-2906-EIR) (Proposed Project)
(SCH No. 2016091010)**

South Coast Air Quality Management District (South Coast AQMD) staff appreciates the opportunity to comment on the above-mentioned document. The City of Los Angeles is the Lead Agency under the California Environmental Quality Act (CEQA) for the Proposed Project. The following comments include information on the Community Emissions Reduction Plan (CERP) for the designated Assembly Bill 617 (AB 617) East Los Angeles, Boyle Heights, West Commerce (ELABHWC) community and recommended revisions to the air quality impact analysis, mitigation measures, and Health Risk Assessment (HRA) that the Lead Agency should include in the Final EIR.

South Coast AQMD Staff's Summary of Project Information in the Draft EIR

Based on the Draft EIR, the Proposed Project consists of amendments to both the text and the General Plan Land Use Map of the Boyle Heights Community Plan.¹ Such amendments are intended to accommodate forecasted housing, population, and employment growth in the Proposed Project site by directing growth to already urbanized areas.² The amendments also reflect the City of Los Angeles's policies to direct growth where it can be supported by existing transportation infrastructure. The Proposed Project encompasses a 6.67 square-mile area, is located immediately east of Downtown Los Angeles, and is roughly bounded to the north by the I-10 Freeway and to the south and west by Union Pacific and Santa Fe Railroad lines. The US 101, I-5, SR-60, and 1-10 freeways traverse through the Proposed Project site as well.³ The Proposed Project is anticipated to guide development through the year 2040.⁴ During this period the Proposed Project anticipates a new growth of approximately 10,351 residential units, 12,474,119 square-feet of commercial land uses, 27,868,018 square-feet of industrial land uses, and 10,494,360 square-feet of public facilities land uses (from 2016 existing conditions).⁵

2

South Coast AQMD Staff's Comments on the Draft EIR

Information on the CERP for the Designated AB 617 ELABHWC Community

¹ Draft EIR. Executive Summary. Page 2.0-3 through 2.0-4.

² *Ibid.*

³ *Ibid.* Page 2.0-1 through 2.0-2.

⁴ *Ibid.* Page 2.0-3.

⁵ *Ibid.* Air Quality. Page 4.2-44.

The Proposed Project area is heavily impacted by air pollution generated from sources such as heavy-duty diesel trucks, warehouses, and railroad activities, and includes the AB 617-designated ELABHWC community. An AB 617-designated community requires South Coast AQMD to work with a Community Steering Committee (CSC) to develop a Community Emissions Reduction Plan (CERP) that identifies air quality priorities and actions to reduce air pollution in the community. The South Coast AQMD’s Governing Board adopted the AB 617 ELABHWC Community CERP on September 6, 2019.⁶ The Draft EIR for the Proposed Project serves as the first-tier, programmatic level environmental analysis that can provide guidance to subsequent, project-level environmental analyses. South Coast AQMD staff recommends that the Lead Agency review the actions included in Chapter 5 of the adopted CERP and continue working with South Coast AQMD’s AB 617 staff to explore whether additional mitigation measures can be identified and implemented by future development projects at the Proposed Project.

3

South Coast AQMD’s latest Multiple Air Toxics Exposure Study (MATES), MATES V, which was published in September 2021,⁷ shows the air toxics cancer risk as 695 per million in the Proposed Project area.⁸ According to MATES V this translates to the Proposed Project’s cancer risks as being higher than 97% - 99% of the South Coast AQMD population.⁹ However, the Draft EIR for the Proposed Project uses the older version, MATES IV data from 2012-2013,¹⁰ to estimate the cancer risks from exposure to air toxics in the Proposed Project area.¹¹ South Coast AQMD staff recommends that the Lead Agency use the most recent MATES data to update the cancer risk estimates in the Final EIR to better characterize air toxics levels in the background of this heavily impacted area.

4

CEQA Air Quality Impact Analysis During Construction and Operation

Operation - Baseline Year

The Draft EIR uses the operational emission changes between 2016 Existing Conditions scenario and 2040 Proposed Plan scenario and compares that to South Coast AQMD’s Regional Thresholds to determine if the Proposed Project has significant air quality regional impacts during operations.¹² However, this approach is not optimal and may be confusing to decision makers and the public. Especially for projects with multi-year construction, using existing environmental conditions as a baseline to compare the impacts in future years to determine the significance of air quality impacts may underestimate a project’s actual impacts due to adopted state and federal rules and regulations, and technology advancements that are independent of the project. To determine the level of significance in regional air quality impacts for operation, the lead agency should select

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⁶ South Coast AQMD. September 2019. Assembly Bill 617 East Los Angeles, Boyle Heights, West Commerce Community Emissions Reduction Plan. Accessed at: <http://www.aqmd.gov/docs/default-source/ab-617-ab-134/steering-committees/east-la/cerp/carb-submittal/final-cerp.pdf>

⁷ MATES V Multiple Air Toxics Exposure Study. August 2021. Accessed at: <http://www.aqmd.gov/docs/default-source/planning/mates-v/mates-v-final-report-9-24-21.pdf?sfvrsn=6>

⁸ MATES V Multiple Air Toxics Exposure Study, MATES Data Visualization Accessed at: <http://www.aqmd.gov/home/air-quality/air-quality-studies/health-studies/mates-v>

⁹ *Ibid.*

¹⁰ MATES IV Multiple Air Toxics Exposure Study. May 2015. Executive Summary. Page ES-3. Accessed at: <http://www.aqmd.gov/docs/default-source/air-quality/air-toxic-studies/mates-iv/mates-iv-final-draft-report-4-1-15.pdf>

¹¹ Draft EIR. Air Quality. Page 4.2-15.

¹² *Ibid.* Page 4.2-45, Table 4.2-12.

a future operational baseline year (e.g. 2040, 2028, or etc.), and compare emissions estimated without the Proposed Project to emissions estimated with the Proposed Project, for that same year.

5

Operation - Emissions from Permitted and Non-Permitted Stationary Sources

Furthermore, the Proposed Project is expected to largely increase the industrial and commercial land uses. The associated operational emission estimates in the Draft EIR include the mobile sources, area sources, and energy sources (only natural gases fuel consumptions) but do not include the potential emission increases from permitted and non-permitted stationary sources (e.g. emergency diesel generators, firewater pumps, combustion or non-combustion industrial equipment). Therefore, South Coast AQMD recommends the lead agency revise the air quality regional operational impacts, re-evaluate the reasonable and foreseeable operational emissions, and make the appropriate significant determinations in the Final EIR.

6

Overlapping Construction and Operation Activities

The Draft EIR has separate air quality impact assessments for the construction and operation phases of the Proposed Project. Although the Proposed Project is expected to have multi-year concurrent construction and operation periods, the air quality impacts from the overlapping construction and operational activities are not evaluated in the Draft EIR. The emissions from the overlapping construction and operational activities should be conservatively analyzed, combined, and compared to South Coast AQMD’s regional air quality CEQA operational thresholds to determine the level of significance and the overlapping air quality impacts need to be evaluated and addressed in the Final EIR.

7

Construction - Cleanup Activities

The Hazardous and Hazardous Materials Section of the Draft EIR states that implementation of the Proposed Project would involve redevelopment of sites currently or historically used for industrial uses that may have used hazardous materials in their operations.¹³ There is also the possibility that future grading and excavation activities may uncover previously undiscovered contaminated soil.¹⁴ As such, soil decontamination measures may take place and it is possible that such contaminated soil would require export off-site.¹⁵

8

South Coast AQMD staff found that the Lead Agency quantified the Proposed Project’s regional construction emissions from demolition and building activities but did not quantify emissions from contaminated soil removal and hauling activities.¹⁶

9

Since cleanup activities could include the removal and disposal of contaminated soil, and depending on the type of contamination, contaminated soil may not be accepted at the landfill site 20 miles away (according to the Hauling Trip Length used in the CalEEMod Construction output files¹⁷) from the Proposed Project site, such soil may need to be disposed of at a permitted hazardous disposal facility outside Los Angeles County with a one-way truck trip length that is longer than 20 miles. If it is reasonably foreseeable at the time of the release of the Draft EIR that

¹³ Draft EIR. Hazards and Hazardous Materials. Page 4.8-56.

¹⁴ *Ibid.* Page 4.8-57.

¹⁵ *Ibid.*

¹⁶ *Ibid.* Air Quality. Pages 4.2-40 through 4.2-42.

¹⁷ Appendix. 4.2 Air Quality. PDF Page 10.

the Proposed Project would likely involve remediation of contaminated soil, the Lead Agency should use good faith, best efforts to provide information on the scope, types, and duration of any reasonably foreseeable soil remedial or mitigation activities, quantify emissions from those activities, and include those emissions in the Proposed Project’s regional construction emissions profile to be compared to South Coast AQMD’s regional air quality CEQA significance thresholds for construction to determine the level of significance in the Final EIR. If those emissions are not included in the Final EIR, the Lead Agency should provide reasons for not including them supported by substantial evidence in the record. If the reason for not including them in the Final EIR is because remedial or mitigation measures have not been fully developed or approved prior to the certification of the Final EIR, the Lead Agency should commit to evaluating the air quality impacts from those activities through a CEQA process when the measures become known and prior to allowing the commencement of any soil remedial or mitigation activities at the Proposed Project.

9

Localized Air Quality Impact

South Coast AQMD recommends that lead agencies perform individual project-specific modeling in determining localized air quality impacts once the more detailed development plan for individual specific projects from the Proposed Project Community Plan Updates become available.

10

Recommended Revisions to Existing Mitigation Measures (MM) AQ-2, AQ-5, & AQ-7

In the Draft EIR, the Lead Agency found that the Proposed Project would result in significant and unavoidable regional air quality impacts from nitrogen oxides (NOx) emissions during construction.¹⁸ According to the CalEEMod output files, haul truck exhaust and off-road equipment used during demolition and grading activities are the primary source of NOx emissions during construction of the Proposed Project.¹⁹ CEQA requires that the Lead Agency consider MMs to minimize significant adverse impacts (CEQA Guidelines Section 15126.4) and that all feasible MMs that go beyond what is required by law be utilized to minimize or eliminate any significant adverse impacts. The Lead Agency included MM AQ-2, AQ-5, and AQ-7 which require the following: construction equipment shall achieve emission reductions that are no less than what could be achieved by Tier 3 diesel emission control strategies, all off-road diesel-powered construction equipment 50 horsepower or greater shall meet the U.S. EPA Tier 4 emissions standards, and construction haul truck operators for demolition debris and import/export of soil shall use trucks that meet California Air Resource Board’s (CARB) 2010 engine emissions standards at .01 g/bhp-hr of particulate matter (PM) and 0.20 g/bhp-hr. of NOx emissions.²⁰

11

Given the potential proximity of sensitive receptors to future Proposed Project construction sites,²¹ and given that the Proposed Project is meant to guide development through 2040,²² South Coast AQMD staff recommends that the Lead Agency consider including revisions to the air quality mitigation measures in the Final EIR to further reduce the Proposed Project’s significant and unavoidable air quality impacts during construction. It is reasonably foreseeable that the

¹⁸ Draft EIR. Air Quality. Page 4.2-42.
¹⁹ Appendix. 4.2 Air Quality. Page 12 & 14.
²⁰ Draft EIR. Air Quality. Page 4.2-47 through 4.2-49.
²¹ *Ibid.* Page 4.2-61.
²² *Ibid.* Executive Summary. Page 2.0-3.

aforementioned Tier 3 and Tier 4 emission standards, along with CARB's 2010 truck engine emissions standards, may not be the cleanest technology available when construction occurs later during the approximately 18-year time span of the Proposed Project. One of CARB's strategies for reducing emissions from off-road construction equipment aims to start implementing off-road Tier 5 in 2027/2028.²³ Furthermore, the Governor's Executive order in September 2020 (N-79-20) requires CARB to develop and propose a full transition to Zero Emissions (ZE) off-road equipment by 2035, where feasible.²⁴ The Proposed Project serves as a blueprint for Boyle Heights' future development. The Draft EIR for the Proposed Project serves as a planning-level document and there is no defined development schedule for future projects. Therefore, South Coast AQMD staff recommends that the Lead Agency revise MM AQ-2, AQ-5, and AQ-7 to commit to using the cleanest technology for construction during future development projects, if available and feasible, and includes the revision in the Final EIR. If the revisions are not included in the Final EIR, the Lead Agency should provide reasons for not having them supported by substantial evidence in the record.

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Sensitive Receptors and HRA

Sensitive receptors are people that have an increased sensitivity to air pollution or environmental contaminants and include schools, daycare centers, nursing homes, elderly care facilities, hospitals, and residential dwelling units. The Proposed Project will include, among others, 10,351 residential units. The Proposed Project area is bordered and/or is traversed by the US 101, I-5, SR-60, and 1-10 freeways as well as Union Pacific and Santa Fe Railroad lines. The Proposed Project may allow for development in areas of Boyle Heights that could place residential units within 500 feet of freeways.²⁵ The Proposed Project may also site new distribution facilities adjacent or near sensitive uses.²⁶ In the Draft EIR, MM AQ-9 requires applicants of distribution centers within 1,000 feet of sensitive uses to prepare an HRA to determine potential cancer risks. If such cancer risks are found to exceed South Coast AQMD's standards, MM AQ-9 then requires that the applicant identify opportunities to reduce emissions and associated risks.²⁷ CARB's *Air Quality and Land Use Handbook: A Community Health Perspective* is a general reference guide for evaluating and reducing air pollution impacts associated with new projects that go through the land use decision-making process with additional guidance on strategies to reduce air pollution exposure near high-volume roadways available in CARB's technical advisory.^{28,29}

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Operation

The Draft EIR states that the Proposed Project's heavy industrial use operations that involve high volumes of truck activity could result in a potentially significant and unavoidable impact due to sensitive receptor exposure to substantial pollutant concentrations.³⁰ Even after implementation of

²³ Presentation accessed at: <http://www.aqmd.gov/docs/default-source/clean-air-plans/air-quality-management-plans/2022-air-quality-management-plan/combined-construction-carb-amp-aqmp-presentations-01-27-21.pdf>

²⁴ *Ibid.*

²⁵ Draft EIR. Project Description. Page 3.0-41.

²⁶ *Ibid.* Air Quality. Page 4.2-61.

²⁷ *Ibid.* Page 4.2-62.

²⁸ CARB's Air Quality and Land Use Handbook: A Community Health Perspective can be accessed at: <http://www.arb.ca.gov/ch/handbook.pdf>

²⁹ CARB's technical advisory can be accessed at: <https://www.arb.ca.gov/ch/landuse.htm>.

³⁰ Draft EIR. Air Quality. Page 4.2-62.

MM AQ-9, the Draft EIR states that it cannot be determined that distribution centers or large warehouses in the Proposed Project area would fall under the South Coast AQMD cancer risk threshold of 10 in 1 million.

12

Construction

The Draft EIR states that the Proposed Project's construction impacts would be less than significant with MMs incorporated,^{31 32} implementation of MMs AQ-1 through AQ-8 would reduce criteria pollutants and toxic air contaminants (TAC). The Draft EIR further states that this conclusion was reached after a qualitative evaluation of recent projects approved within the City of Los Angeles (City). Specifically, a review was done on several published EIRs for the largest development projects recently analyzed in the City and none of these EIRs showed a significant impact resulting from construction TACs.³³ From this review, only one EIR demonstrated a potential impact related to TACs and the application of a standard MM reduced the impacts to less than significant. The review also found that the MM identified in the published EIR was similar to one of the MMs included in the Proposed Project for construction. Given the above, the Draft EIR concludes that the Proposed Project could result in substantial pollutant concentrations at sensitive receptors during construction activities *before* mitigation and as a result, the impact is considered potentially significant.³⁴

According to the CalEEMod output files, the Proposed Project may include future developments with up to 150 heavy-duty truck haul trips with a trip length of 40 miles each and up to 10 pieces of offroad construction equipment operating at 8 hours/day.³⁵ Nearby sensitive receptors of such future construction development could potentially be exposed to diesel particulate matter (DPM) from daily truck trips to and from the construction site, idling of trucks visiting the construction site, and DPM emissions from offroad construction equipment. DPM is a toxic air contaminant and a carcinogen. From the Draft EIR it is not clear if the qualitative analysis took into consideration such parameters when analyzing the published EIRs for the largest development projects recently analyzed in the City.

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Therefore, the Proposed Project's construction health risk impacts may have been underestimated in the Draft EIR. Each of the published EIRs mentioned in the Draft EIR has their unique project parameters. Usually, projects have their own estimated number of maximum haul truck trips and hauling trip length number. Projects usually have their own estimated maximum number of offroad construction equipment and specific number of hours that each piece of offroad equipment will be used. Each project differs in acreage, duration, and intensity of construction activity. Each project varies in how close it is to a sensitive receptor. Consequentially, the qualitative analysis in the Draft EIR used to determine the Proposed Project's construction impacts would be less than significant with MMs incorporated lacks substantial evidence. For these reasons, South Coast AQMD staff recommends that the Lead Agency revise the construction HRA to provide additional information demonstrating that the use of published EIRs for the largest development projects recently approved in the City is appropriate to substantiate the conclusion that the Proposed

³¹ *Ibid.* Page 4.3-53.

³² *Ibid.* Page 4.2-62.

³³ *Ibid.* Page 246.

³⁴ *Ibid.* Page 4.2-55 through 4.2- 57.

³⁵ Appendix. 4.2 Air Quality. Page 207.

Project's construction impacts would be less than significant with MMs incorporated. This revision should then be included in the Final EIR.

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Future Project-level HRA

Notwithstanding the court rulings, South Coast AQMD staff recognizes that the lead agencies that approve CEQA documents retain the authority to include any additional information they deem relevant to assessing and mitigating the environmental impacts of a project. Because of South Coast AQMD staff's concern about the potential public health impacts of siting sensitive populations within proximity of freeways, rail, distribution centers, and other sources of air pollution, South Coast AQMD staff recommends that, prior to approving future individual development projects, the lead agency consider the project-level health risk impacts of toxic air contaminants on people who will live in a new project and provide mitigations where necessary.

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Additional Recommended Mitigation Measures

CEQA requires that all feasible mitigation measures that go beyond what is required by law be utilized to minimize or eliminate any significant adverse air quality impacts. Since the Proposed Project has the potential to result in significant and unavoidable emissions, particularly from NOx emissions during construction³⁶ and VOC and TAC-related emissions (associated with distribution centers) during future operations,³⁷ and to further reduce the Proposed Project's construction and operational air quality impacts, South Coast AQMD staff recommends that the Lead Agency include the following project-level mitigation measures in the Final EIR to further reduce emissions from future construction and operation activities.

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Construction

- Require the use of electric or alternative-fueled (i.e., non-diesel) construction equipment, if available, including but not limited to, concrete/industrial saws, pumps, aerial lifts, material hoist, air compressors, forklifts, excavator, wheel loader, and soil compactors.
- Owners and operators of future development projects shall maintain records of all trucks associated with project construction to document that each truck used meets these emission standards and make the records available for inspection. The Lead Agency should conduct regular inspections of future development projects.
- Provide electric vehicle (EV) charging stations or, at a minimum, provide the electrical infrastructure and electrical panels shall be appropriately sized. Electrical hookups should be provided for trucks to plug in any onboard auxiliary equipment.
- Provide temporary traffic controls such as a flag person, during all phases of significant construction activity to maintain smooth traffic flow, where necessary.
- Provide dedicated turn lanes for the movement of construction trucks and equipment on- and off-site, where applicable.

³⁶ Draft EIR. Air Quality. Page 4.2-42.

³⁷ *Ibid.* Page 4.2-39 & 4.2-53.

- Ensure that vehicle traffic inside the project site is as far away as feasible from sensitive receptors.
- Reduce traffic speeds on all unpaved roads to 15 miles per hour (mph) or less.
- Suspend all excavating and grading operations when wind speeds (as instantaneous gusts) exceed 25 mph.
- Suspend use of all construction activities that generate air pollutant emissions during first stage smog alerts.
- Configure construction parking to minimize traffic interference.
- Require covering of all trucks hauling dirt, sand, soil, or other loose materials.
- Install wheel washers where vehicles enter and exit the construction site onto paved roads or wash off trucks and any equipment leaving the site for each trip.
- Apply non-toxic soil stabilizers according to manufacturers’ specifications to all inactive construction areas (previously graded areas inactive for ten days or more).
- Replace ground cover in disturbed areas as quickly as possible to minimize dust.
- Pave roads and road shoulders, where applicable.
- Sweep streets at the end of the day with South Coast AQMD Rule 1186 and 1186.1 compliant sweepers if visible soil is carried onto adjacent public paved roads (recommend water sweepers that utilize reclaimed water).

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Operation

- Require ZE or near-zero emissions (NZE) heavy-duty trucks for future development projects during operation. Given the state’s clean truck rules and regulations aiming to accelerate the utilization and market penetration of ZE and NZE trucks, such as the Advanced Clean Trucks Rule³⁸ and the Heavy-Duty Low NOx Omnibus Regulation³⁹, ZE and NZE trucks will become increasingly more available to use. The Lead Agency can and should require future development projects to have a phase-in schedule to incentivize these cleaner operating trucks to reduce any significant adverse air quality impacts. South Coast AQMD staff is available to discuss the availability of current and upcoming truck technologies and incentive programs.

³⁸ CARB. June 25, 2020. *Advanced Clean Trucks Rule*. Accessed at: <https://ww2.arb.ca.gov/our-work/programs/advanced-clean-trucks>.

³⁹ CARB has recently passed a variety of new regulations that require new, cleaner heavy-duty truck technology to be sold and used in state. For example, on August 27, 2020, CARB approved the Heavy-Duty Low NOx Omnibus Regulation, which will require all trucks to meet the adopted emission standard of 0.05 g/hp-hr starting with engine model year 2024. Accessed at: <https://ww2.arb.ca.gov/rulemaking/2020/hdomnibuslownox>.

- Require future development projects to provide electrical infrastructure and electrical panels, which should be appropriately sized. Electrical hookups should be provided for truckers to plug in any onboard auxiliary equipment. Maximize use of solar energy by installing solar energy arrays.
- Limit the daily number of trucks allowed at future development projects to the levels analyzed in the subsequent, project-level environmental analyses for these projects. If higher daily truck volumes are anticipated to visit the site, an additional analysis should be done through CEQA prior to allowing this higher activity level.
- Use light colored paving and roofing materials.
- Utilize only Energy Star heating, cooling, and lighting devices, and appliances.
- Use of water-based or low VOC cleaning products that go beyond the requirements of South Coast AQMD Rule 1113.

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

- Design future development projects such that any truck check-in point is inside the site to ensure no trucks are queuing outside.
- Design a future development project to ensure that truck traffic inside the project site is as far away as feasible from sensitive receptors.
- Restrict overnight truck parking in sensitive land uses by providing overnight truck parking inside the future development project site.
- Create buffer zones between warehouses and sensitive land uses

Health Risk Reduction Effectiveness

Many strategies are available to reduce air pollutant exposures, including, but not limited to, building filtration systems with MERV 13 or better, or in some cases, MERV 15 or better is recommended; building design, orientation, location; vegetation barriers or landscaping screening, etc. The City of Los Angeles (in which the Proposed Project is located) also adopted a Clean Up Ordinance (Ordinance Number 184,245) in 2016 that mandates that regularly occupied areas in mechanically ventilated buildings within 1,000 feet of a freeway be provided with air filtration media for outside and return air that meet a Minimum Efficiency Report Value (MERV) of 13.⁴⁰

Enhanced filtration units are capable of reducing exposures. However, enhanced filtration systems have limitations. For example, in a study that South Coast AQMD conducted to investigate

⁴⁰ Draft EIR. Air Quality. Page 4.2-28.

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filters,⁴¹ a cost burden is expected to be within the range of \$120 to \$240 per year to replace each filter panel. The initial start-up cost could substantially increase if an HVAC system needs to be installed and if standalone filter units are required. Installation costs may vary and include costs for conducting site assessments and obtaining permits and approvals before filters can be installed. Other costs may include filter life monitoring, annual maintenance, and training for conducting maintenance and reporting. In addition, because the filters would not have any effectiveness unless the HVAC system is running, there may be increased energy consumption. It is typically assumed that the filters operate 100 percent of the time while residents are indoors, and the environmental analysis does not generally account for the times when the residents have their windows or doors open or are in common space areas of the project. These filters have no ability to filter out any toxic gases. Furthermore, when used filters are replaced, replacement has the potential to result in emissions from the transportation of used filters at disposal sites and generate solid waste. Therefore, the presumed effectiveness and feasibility of any filtration units should be carefully evaluated in more detail prior to assuming that they will sufficiently alleviate exposures to diesel particulate matter emissions.

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Conclusion

Pursuant to California Public Resources Code Section 21092.5(a) and CEQA Guidelines Section 15088(b), South Coast AQMD staff requests that the Lead Agency provide South Coast AQMD staff with written responses to all comments contained herein prior to the certification of the Final EIR. In addition, issues raised in the comments should be addressed in detail, giving reasons why specific comments and suggestions are not accepted. There should be good faith and reasoned analysis in response. Conclusory statements unsupported by factual information will not suffice (CEQA Guidelines Section 15088(c)). Conclusory statements do not facilitate the purpose and goal of CEQA on public disclosure and are not meaningful, informative, or useful to decision-makers and to the public who are interested in the Proposed Project.

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South Coast AQMD staff is available to work with the Lead Agency to address any air quality questions that may arise from this comment letter. Please contact Evelyn Aguilar, Air Quality Specialist, at eaguilar@aqmd.gov should you have any questions.

Sincerely,
Sam Wang
 Sam Wang
 Program Supervisor, CEQA IGR
 Planning, Rule Development & Area Sources

SW:EA
LAC220802-02
 Control Number

⁴¹This study evaluated filters rated MERV 13 or better. Accessed at: <http://www.aqmd.gov/docs/default-source/ceqa/handbook/aqmdpilotstudyfinalreport.pdf>. Also see 2012 Peer Review Journal article by South Coast AQMD: <https://onlinelibrary.wiley.com/doi/10.1111/ina.12013>.

Letter 7 **South Coast Air Quality Management District**
Sam Wang, Program Supervisor, CEQA IGR
21865 Copley Drive
Diamond Bar, CA 91765
October 11, 2022

Response 7-1

The commenter states that the South Coast AQMD comment letter is attached. The letter was received and is responded to below.

Response 7-2

The commenter provides an overview of the Proposed Plan. The comment is noted. No further response is required.

Response 7-3

The commenter recommends that the Lead Agency review the East Los Angeles, Boyle Heights, West Commerce (ELABHWC) Community Emissions Reduction Plan (CERP) to identify potential mitigation measures to be implemented by future development projects resulting from the Proposed Plan. The impact analysis prepared for the EIR was completed in accordance with CEQA guidance established by the SCAQMD. Development of a CERP in accordance with AB 617 is a separate process unrelated to the air quality impact analysis prepared for the EIR in accordance with the CEQA regulations. The Lead Agency reviewed the CERP and coordinated with SCAQMD,¹ and did not identify any enforceable community-wide mitigation measures to be incorporated into the Boyle Heights Community Plan EIR. The CERP Actions are generally designed to address existing air quality issues and are specifically relevant to the air district's authority rather than city and/or applicant-level. The focus of the CERP primarily involves coordination between the District and the Community Steering Committee (CSC) to develop progress reports and track the efficacy of the community actions. To further reduce exposure of sensitive receptors to concentrations of toxic air contaminants (TACs), the following mitigation measure is added to page 4.2-62 of the DEIR:

AQ-10: CERP Coordination with ELABHWC

- a. **Applicability Threshold:** Any discretionary project within an AB 617 neighborhood related to Actions identified in the CERP (any project generating more than 100 truck trips per day; railyards; metal processing; rendering facilities; autobody shops; projects greater than an acre within 500 feet of schools, childcare facilities, etc.; industrial facilities including waste transfer).

¹ Sam Wang, SCAQMD CEQA-IGR Supervisor, telephone conversation, July 17, 2023.

- b. Standard:** Applicants to coordinate directly with SCAQMD to identify project design features and City to coordinate with SCAQMD to ensure that proposed projects do not conflict with the CERP for ELABHWC and identify mitigation measures as appropriate.

SCAQMD published the Final CERP for the ELABHWC area in 2019; it contains community-level actions to reduce emissions of air pollutants and corresponding exposures of individuals within these AB 617 neighborhoods. The Final CERP recognized that implementation of statewide mobile source actions such as the CARB Advanced Clean Car 2 Rule, Advanced Clean Trucks Rule, Heavy-Duty Low NOX Rule, and the Heavy-Duty Inspection and Maintenance program will contribute to reducing the pollution burden on these communities in the future. From a regulatory standpoint, mobile source regulations are promulgated at the state level by the CARB, and stationary and area source regulations are administered and enforced by the SCAQMD. Additionally, the CARB Truck and Bus Regulation requires that a vast majority of the heavy-heavy-duty truck fleet within the state meet 2010 USEPA emissions standards beginning in 2023.

Beyond regulatory requirements, the CERP outlined 16 new Actions to Reduce Community Air Pollution from various emissions sources located within and near the ELABHWC community that collectively are forecasted to reduce NOX emissions by 377 tons per year and reduce diesel particulate matter emissions by 1.4 tons per year by 2029. The CERP actions are categorized by general source types such as Neighborhood and Freeway Traffic from Trucks and Automobiles, Railyards, Metal Processing Facilities, Rendering Facilities, and Auto Body Shops, as well as actions to reduce pollution exposures at especially vulnerable sensitive receptors such as schools, childcare centers, community centers, libraries, and public housing projects. The CERP also addresses general community concerns about industrial facilities, including waste transfer stations. The CERP proposed actions are identified below.

Neighborhood and Freeway Traffic (Trucks & Automobiles)

- **Priorities:** Idling Trucks, Monitoring High Volume Roadways, Enhanced Enforcement of Existing Regulations and City Ordinances, Congestion, and Cleaner Technology Options.
- **Action 1: Reduce Truck Idling**
 - Conduct air measurements near warehouse uses (e.g., warehouse clusters) and adjacent residential areas to identify potential hotspots resulting from heavy-duty truck activities (e.g., idling).
 - Conduct focused enforcement for idling trucks in high traffic areas, prioritizing areas near schools and residential areas.

- Collaborate with the Steering Committee to inform community members how to report idling trucks.
- Provide community outreach on existing city, county, CARB, and SCAQMD complaint systems to report idling trucks.
- Work with local cities and the county to install adequate signage that prohibits truck idling in certain locations.
- **Action 2: Reduce emissions from heavy-duty trucks.**
 - Work with the city or the county to evaluate potential designated truck routes and identify resources to enforce these routes.
 - Collaborate with local businesses, agencies, and organizations to engage in outreach to truck owners and operators in the community to provide information about community ordinances, restricted truck routes, trucking regulations, and available incentive programs.
 - Identify SCAQMD and other additional incentive funding opportunities to accelerate adoption of cleaner equipment and trucks.
 - Target incentive funds for local small businesses and independent owner/operators.
 - Participate in CARB rule development for future amendments to their truck regulations.
 - Continue to develop Facility Based Mobile Source Measures (see Warehouse and Rail).
 - Conduct focused enforcement of CARB’s TRU Regulation, Drayage Truck Rule, and Truck and Bus Rule.
- **Action 3: Utilize Existing Traffic Information and New Technology to Identify Older Trucks for Incentive Programs.**
 - Gather existing traffic information from local authorities and other available databases, implement new technology to collect useful data on truck traffic, and assess the potential impact of truck emissions near sources and residences.
 - Work with the Steering Committee to prioritize specific locations, understanding that there may be some restrictions in terms of where such a system can be placed.

- Conduct initial air measurements from mobile platforms to look at pollution in the areas of traffic concern for a review with traffic information.
- **Action 4: Encourage Replacement of Older Polluting Vehicles with Cleaner Vehicles, including Zero-Emission Vehicles.**
 - Conduct targeted outreach through local organizations, businesses, utilities, and/or schools to provide information to the community about battery electric, fuel cell, and hybrid options and incentives available to encourage replacement of older polluting vehicles, and to install chargers at homes and throughout the community.
 - Work with partners to develop method of information dissemination and to increase the availability of publicly accessible electric vehicle charging stations.

Railyards

- **Action 1: Reduce Emissions from Railyards.**
 - Continue to pursue strategies to reduce air pollution from railyards through the development of an indirect source rule and/or other measures, including reducing localized emissions and exposures.
 - Work with CARB to develop new requirements to reduce air pollution from railyards.
 - Work with local utilities and state agencies to encourage the installation of infrastructure needed to fuel/charge zero-emission vehicles and equipment, and onsite equipment at the railyards.
 - Work with railyards in the ELABHWC to replace diesel-fueled equipment with cleaner technologies.
 - Conduct fenceline and/or mobile air measurements around railyards to identify activities that may cause increased levels of air pollution; conduct mobile air measurements extending into the community to assess how railyard emissions may contribute to overall pollution burden.
 - Use emissions inventory and air monitoring to identify opportunities for emission reductions.

Metal Processing Facilities

- **Action 1: Identify Areas to Conduct Air Monitoring for Fugitive Toxic Metal Emissions from Metal Processing Facilities.**

- Identify sources of elevated levels of toxic metal emissions.
- If persistent elevated levels of toxic metal emissions are detected at locations through air monitoring, determine the source of emissions, collect additional measurements, inspect nearby facilities, and/or request records from the facilities.
- Determine if additional actions are needed to address elevated levels.
- **Action 2: Reduce Emissions from Metal Processing Facilities through Outreach, Best Management Practices, and Incentives.**
 - Conduct targeted outreach to metal processing facilities in the community and provide information on the SCAQMD’s Small Business Assistance Program, permitting process, and applicable rules and regulations.
 - Provide training to facility operators on best management practices and SCAQMD rules that address metal processing facilities.
 - Pursue incentive funds to reduce emissions from metal processing facilities (e.g., transitioning hexavalent chromium electroplating operations to trivalent chromium or installing air pollution controls to reduce emissions where emission reductions exceed rule requirements).

Rendering Facilities

- **Action 1: Reduce Odors from Rendering Facilities.**
 - Engage in and provide information for the community on Rule 415 requirements, which address odors from rendering facilities.
 - Continue response to odor complaints and update complainants on a timely basis.
 - Conduct mobile air measurements for VOCs near each rendering facility in the community and make air monitoring data publicly available.
 - Conduct facility inspections to evaluate compliance with Rule 415, and follow up with enforcement action, where appropriate.

Auto Body Shops

- **Action 1: Reduce Emissions from Auto Body Shops**
 - Conduct targeted outreach to auto body shop owners and operators in the community, including providing information on the SCAQMD Small Business Assistance Program, permitting processes, and applicable rules and regulations.
 - Provide public outreach on SCAQMD’s complaint system.
 - Provide information to the community on the requirements of Rule 402, which addresses nuisance, and Rules 1151 and 1171, which reduce emissions from motor vehicle coating and solvent cleaning operations at auto body shops and related businesses.
 - Collaborate with local fire departments to inspect possible unpermitted auto body shops and provide information on pertinent fire safety and hazardous waste storage regulations.
 - Conduct air measurements near auto body shops and if persistent elevated levels are found through air monitoring conduct follow-up investigations and/or enforcement actions, where appropriate.

Schools, Childcare Centers, Community Centers, Libraries, and Public Housing Projects – Exposure Reduction

- **Action 1: Reduce Exposure to Harmful Air Pollutants through Public Outreach.**
 - Provide information about air quality-related programs to schools, including the Environmental Justice Community Partnership, Clean Air Ranger Education, and WHAM programs.
 - Partner with AltaMed, Council of Mexican Federations, and other community-based organizations to provide information on how to receive air quality advisories, and how to reduce exposure to air pollution, particularly for sensitive populations.
 - Partner with community-based organizations such as AltaMed and COFEM to share information or provide outreach to schools for asthma related programs.
 - Work with appropriate parties to negotiate access to conduct school-based air monitoring to provide air quality information at that location for limited-term assessments.

- **Action 2: Reduce Exposure to Harmful Air Pollutants at Schools, Childcare Centers, Libraries, and Community Centers.**
 - Work with LAUSD, other local school districts, and Steering Committee members to prioritize schools, childcare centers, libraries, and community centers near truck routes, railyards, and other industrial sources that may benefit from installation of air filtration systems.
 - Work with appropriate agencies toward replacing filters at schools that have existing air filtration systems and installing systems at schools, childcare centers, libraries, and community centers that do not have those systems.
- **Action 3: Reduce Exposure to Harmful Air Pollutants at Homes**
 - Identify new or existing technologies, programs, and funding sources that can provide the most effective air filtration systems in homes.
 - Seek potential partners or funding opportunities to improve weatherization in the homes to help improve the efficiency of the air filters.

General Concerns about Industrial Facilities, including Waste Transfer Stations

- **Action 1: Improve Public Outreach and Accessibility to Facility Information.**
 - Gather community input on features and enhancements that would be useful to include in the SCAQMD Facility Information Detail web tool.
 - Make improvements to the FIND tool to address the community’s highest priority requests.
 - Conduct community training on how to use the improved FIND tool, when available.
- **Action 2: Improve Public Awareness about How to File an Air Quality Complaint.**
 - Work with local community centers and organizations to provide outreach and training on how to file air quality complaints by phone, web, or mobile app.
 - Seek opportunities for funding to increase advertising for SCAQMD’s 1-800-CUT-SMOG complaint line.

- **Action 3: Work with Land Use Agencies to Identify Facilities that Require a SCAQMD Permit.**

- Collaborate with city and county planning departments to conduct annual permit cross-checks for facilities in this community to ensure that any facility with a conditional use permit also has an air district permit, where required.
- Conduct Small Business Assistance outreach to identified facilities to provide information about permit applications.
- Consult with land use agencies to develop guidelines (e.g., design guidelines) that could reduce air pollution impacts from facilities prioritized by this community.
- Work with local planning agencies to develop a process for identifying new or renewal permit applications that may warrant SCAQMD review for potential air quality impacts.

- **Action 4: Reduce Odors and Dust from Waste Transfer Stations.**

- Provide public outreach information for the community on how to file odor complaints, and what rules apply to waste transfer stations (Rules 402, 403, and 410).
- Conduct a training course for transfer station facility operators on best management practices and rules that address odors and fugitive dust.
- Conduct unannounced inspections at waste transfer stations in the community.
- Respond to odor complaints, conduct appropriate follow-up investigations and enforcement activities, where appropriate, and provide updates to the Steering Committee.
- Conduct initial screening using air measurement equipment to help identify potential facilities that may be responsible for fugitive dust emission and odor emissions.

Response 7-4

The commenter recommends that the EIR utilize the latest Multiple Air Toxics Exposure Study (MATES), MATES V, which was published in September 2021. The EIR utilizes MATES IV data to estimate cancer risks from exposure to air toxics in the Proposed Plan Area. The MATES studies are referenced in multiple locations in the Air Quality Section of the EIR. The discussion on Page 4.2-14 compares the new findings from MATES V to the prior findings in MATES IV. Figure 4.2-2 on Page 4.2-15 has been updated in the Final EIR to reflect MATES V instead of MATES IV (see **Chapter 2.0, Corrections and Additions**).

Page 4.2-57 includes analysis describing the change in ambient carcinogenic risk in South Coast Air Basin between MATES III and IV. See **Chapter 2.0, Corrections and Additions**, for this revision made to Section 4.12, Air Quality (p 4.12-57), including a discussion on MATES IV and V. These revisions do not affect the DEIR analysis or conclusions because the updated study shows the levels of air toxics continued to decline compared to previous MATES iterations with air toxics cancer risk at the Mates V monitoring locations ranging from 585 to 842 per million. MATES V concluded that toxic air pollution in the South Coast Air Basin has decreased by more than 54% between 2012 (MATES IV) and 2018.

Response 7-5

The commenter recommends that the Lead Agency select a future operational year as a baseline and use that to compare emissions estimated with and without the Proposed Plan. Consistent with CEQA requirements and applicable case law, the EIR uses the operational emission changes between 2016 Existing Conditions and 2040 Proposed Plan and compares that to South Coast AQMD's Regional Thresholds to determine if the Proposed Plan has significant air quality regional impacts during operations. In addition, 2040 emissions with and without the Plan is provided in Table 4.2-12 (Estimated Regional Operational Emissions). The 2040 Emissions Without Proposed Plan scenario was included for informational purposes and not for impact analysis or conclusions. The commenter argues this is confusing.

The comment suggests that the use of the Existing Plan conditions in 2016 as the CEQA baseline for comparative emissions analysis may underestimate the air quality impacts resulting from Plan implementation. The rationale of the comment warrants a multifaceted response considering the appropriateness of the use of Existing Conditions as the baseline for comparing emissions, whether the EIR analysis takes credit for improvements in air quality that will occur independent of the Proposed Plan, and whether the difference in emissions between the Future No Project/Existing Plan and the Proposed Plan in 2040 would constitute a potentially significant impact in the context of SCAQMD guidance for CEQA projects.

The City agrees with the State Supreme Court ruling that, "the public and decision makers are entitled to the most accurate information on projects practically possible, and the choice of a baseline must reflect that goal" (*Communities for a Better Environment v. South Coast Air Quality Management District* (2010) 48 Cal.4th 310). The ruling further noted that, "use of existing conditions as a baseline makes the analysis more accessible to decision makers and especially to members of the public, who may be familiar with the existing environment but not technically equipped to assess a projection into the distant future." In another more recent case, the *Neighbors for Smart Rail vs. Exposition Metro Line Construction* lawsuit challenged Metro's use of the future no project condition instead of the existing condition for assessing project impacts. The Court ruled that *a lead agency has discretion to omit existing conditions analyses by substituting a*

baseline consisting of environmental conditions projected to exist solely in the future, but to do so the agency must justify its decision by showing an existing conditions analysis would be misleading or without informational value.

The SCAQMD seems to indicate that the default position should be the Future No Project condition as the baseline rather than existing conditions and that the analysis presented in the EIR is misleading; however, this interpretation is inconsistent with the court ruling in *Communities for a Better Environment vs. South Coast Air Quality Management District*, which was based on the SCAQMD using historical data and permitted capacity to establish the existing condition instead of the actual existing data. In that case, the Court rejected a hypothetical maximum operating capacity as not representing an accurate environmental baseline. There is no substantiation for why the analysis using Existing Conditions as the baseline would be considered misleading or without informational value. The City's characterization of air quality emissions under Existing Conditions is based on the SCAG regional transportation model, City land use data, and the preferred regulatory models for estimating air pollutant emissions associated with land use development and transportation projects under CEQA.

This combination of data resources and emissions estimation methodologies represents the most accurate set of tools for assessing air quality impacts in environmental documents at the plan level. Furthermore, the baseline selected in the EIR is consistent with the baseline relied upon in the City's most recent community plan EIRs—including the Downtown, Hollywood, West Adams, and South/Southeast Los Angeles Community Plan EIRs—as well as the SCAG 2016-2040 RTP/SCS Program EIR and the latest 2020-2045 RTP/SCS (Connect SoCal) Program EIR. These plan-level documents reflect that the existing conditions have been successfully used as a CEQA baseline in other similar projects. The use of the existing conditions as the CEQA baseline is reasonable based on these precedents and based on the rationale provided herein.

To the extent that the comment states that the City is improperly taking credit or misleading the public by treating the Proposed Plan as an "emission reduction project," this is inaccurate. The emissions associated with operation of reasonably anticipated development under the Proposed Plan were estimated using output from SCAG regional transportation modeling, preferred regulatory emissions models, and the most reliable growth projections data available from the City. As stated above, the analysis presented incorporated the most accurate information practically possible, and the use of Existing Conditions as the baseline provides the most accessible analysis to decision makers and especially the public. Importantly, Table 4.2-12 in the Draft EIR clearly discloses the differences between the emissions from the Proposed Plan and the Future No Project/Existing Plan. The Future No Project/Existing Plan analysis is based on the assumption that no changes to the Existing Plan would occur between Existing Conditions and 2040. Additionally, the Draft EIR clearly discloses within its analysis that the reason for the lower vehicle

emissions in the future with the Proposed Plan is because of increasingly stringent state and federal rules and regulations. At page 4.2-46 of the EIR reads:

While emissions from mobile sources are generally expected to decrease over time as a result of statewide emission reduction measures, the anticipated ambient growth in residential housing and non-residential reasonably expected development under the Proposed Plan would result in increased use of consumer products and natural gas.

...

With respect to mobile sources, as shown in Table 4.2-12, future daily regional emissions under implementation of the Proposed Plan are generally expected to decrease relative to existing emissions, with the exception of particulate matter emissions attributed to brake and tire wear and road dust. This is largely a result of improvements in vehicular engine efficiency technologies and fuel pollutant concentrations that are projected to occur between existing conditions and 2040 resulting from more stringent statewide regulations. Future emissions are calculated based on implementation of known and approved regulations that are accounted for in the CARB EMFAC application.

Therefore, the analysis is not taking credit for emissions reductions; rather, the emissions analyzed represent the most accurate characterization practically possible using the appropriate methodologies in accordance with legal precedent. Furthermore, the emissions presented for the Proposed Plan and the Future No Project/Existing Plan in 2040 represent conservative estimates of emissions associated with Title 24 energy sources and other building energy sources, as the CalEEMod emissions are based on 2013 Title 24 building standards. The Title 24 building standards are enhanced every three years, and beginning on January 1, 2020, all new construction in the CPA will be required to comply with 2019 Title 24 standards, which will reduce emissions associated with end uses regulated under the standards. Further improvements in future years that will be enacted through Title 24 and implemented through the Los Angeles Green Building Code will reduce emissions of nitrogen oxide (NO_x) and carbon dioxide (CO) in the analysis year of 2040.

The City finds the use of a Future No Project/Existing Plan baseline to be hypothetical and misleading, in part based on the limitations of the available model. Based on the commenters' reasoning that the No Projects/Existing Plan will have impacts of lower magnitude because it will have less "development activities" than the Proposed Plan. But the assumption is that those development activities will not occur anywhere else otherwise. Such an assumption is not reasonably supported. The Proposed Plan is intended to accommodate growth. If the growth does not occur in the Proposed Plan Area that does not mean it will not occur in the air basin. It would be difficult to accurately characterize the impacts to the air basin

quantitatively based on the limitations of the existing models. But on a qualitative basis, the Proposed Plan is transit friendly, which is compatible with the 2020-2045 RTP/SCS and all air quality plans to reduce emissions from land use development. The City must accommodate growth and the Plan seeks to focus this growth near transit.

A transit-oriented plan is one of the best ways to accommodate growth from an air quality perspective. The per capita vehicle miles traveled (VMT) is 23.21 in the Existing Condition, 25.4 for the Future No Build/Existing Plan, and 21.6 for the Proposed Plan. The decrease in VMT per capita is due to the additional land use densities expected with the reasonably expected changes in socioeconomic data (i.e., housing, population and employment growth) and the mobility improvements that are part of the enhanced network treatments. Additional density in the project area provides more opportunities for residents, workers and visitors to travel locally, resulting in shorter trips (or fewer total trips within mixed-use developments). These approaches to land use planning are consistent with the AQMP and 2020-2045 RTP/SCS. A No Project/Existing Plan would reasonably result in growth still occurring but in patterns and locations that do not meet SB 375, SCS, and the City's Framework Element policies. This could reasonably result in the same use of consumer products and natural gas as the Proposed Plan but greater impacts from vehicles. Based on this, the use of the No Project/Existing Plan would not provide "the public and decision makers ... the most accurate information on projects practically possible." As such, the City rejects the use of the Existing Plan/No Project as the appropriate baseline.

Response 7-6

The commenter recommends that the Lead Agency revise the air quality regional operational impacts to include potential emission increases from permitted and non-permitted stationary sources (e.g., emergency diesel generators, firewater pumps, combustion or non-combustion industrial equipment).

The examples of permitted and non-permitted sources provided as examples are not common sources of emissions for all land use developments. The majority of development in the City does not include emergency diesel generators, firewater pumps, or combustion or non-combustion industrial equipment. Including these sources of emissions in the air quality analysis would be speculative as they are atypical. Emissions from such unplanned land use development are not foreseeable and quantification of these emissions would not be supported by substantial evidence, thus they would provide no informational value. The analysis presented in the EIR appropriately accounts for mobile, area, and energy source pollutant emissions associated with gross development planned in the CPA in the horizon year of the Proposed Plan based on forecasted reasonably anticipated development shown in the Project Description.

Response 7-7

The commenter argues that air quality impacts from the overlapping construction and operational activities are not evaluated in the EIR and recommends that overlapping construction and operational activities should be conservatively analyzed, combined, and compared to South Coast AQMD's regional air quality CEQA operational thresholds.

This comment suggests that due to the temporal longevity of the Proposed Plan, the EIR should disclose the combined construction and operational emissions and compare them to the SCAQMD mass daily thresholds for operations. Combining emissions that would be generated during construction activities and future operational conditions is not standard practice when analyzing air quality impacts under CEQA. Nowhere in the District's *Handbook* is there an indication that this combination of emissions would be appropriate. Furthermore, the Air Quality Significance Thresholds for construction and operation were derived using different methods, and the *Handbook* explicitly recognizes that operations begin following the completion of construction activities. It is not practically possible to estimate the incremental increase in daily construction acreage, daily construction equipment activity, or daily construction truck trips throughout the entirety of the Boyle Heights CPA that would result from implementation of the Proposed Plan.

Predicting specific development of individual projects is not practically possible as there is no comprehensive timeline on a project-by-project basis within the 4,371-acre CPA. The anticipated timing of land use changes and new development would be speculative as the EIR discloses reasonably expected development to be completed by the year 2040, following the completion of construction activities at the horizon of Proposed Plan implementation, consistent with SCAQMD guidance. The City cannot reasonably anticipate if growth would be linear or sporadic between 2016 and 2040. Given the uncertainty in year-to-year growth, interim year emissions analyses are unlikely to be even a reasonably accurate portrayal of emissions prior to 2040. The specific sequencing and schedule of construction of individual projects is speculative, as the Proposed Plan evaluates reasonably foreseeable development over a 24-year period. It would not serve the goal of providing an informational document to combine hypothetical construction projects with operational emissions in the future scenario. The combined emissions analysis, although not appropriate, would also present issues with feasibility and speculation as discussed further below. Without a comprehensive understanding of project details including the schedules under which individual projects would be constructed, this exercise would not bolster the disclosure of air quality impacts.

Also, the EIR includes a discussion of construction emissions for different sizes of projects (25, 50, 100 and 150 truck trips per day and 2, 4, 8 and 10 pieces of heavy-duty equipment on-site each day) that could be reasonably expected under implementation of the Proposed Plan. The EIR indicates that for projects with

100 or more truck trips per day emissions of NO_x would exceed SCAQMD regional emission thresholds (emissions of 116 lbs per day for 100 truck trips per day and 145 lbs per day for 150 truck trips per day). Thus, for projects with these levels of truck trips, the EIR indicates that construction impacts would be significant (see EIR pages 4.2-50 and 4.2-51). Examples of EIRs that disclosed significant unmitigated construction air quality impacts include the Hollywood Center Project (City of Los Angeles, April 2020) and the Crossroads Hollywood Project (City of Los Angeles, May 2017). Those projects had maximum daily unmitigated construction NO_x emissions of 132 and 140 pounds per day, respectively, exceeding SCAQMD threshold. The equipment inventories in CalEEMod are populated based on project site size, and there is no demonstrable substantiation to suggest that the average daily area under construction within the Boyle Heights CPA would increase with implementation of the Proposed Plan, and projects constructed under the Proposed Plan would not be substantially different than those accommodated under the Existing Plan.

Furthermore, the District's *Handbook* explicitly states that, "[a]fter construction is completed, the project becomes operational." Based on this statement and the explanation for how the operational NO_x and volatile organic compound (VOC) thresholds were derived, it is clear emissions generated by construction activities were not intended to be included in operational emissions, and that the best representation of operational emissions would be following the completion of construction activities associated with development under the Proposed Plan.

Additionally, in recent similar projects involving plan-level documents within the SCAQMD jurisdiction, construction emissions were not even quantified or disclosed (i.e., Santa Monica Downtown Community Plan Draft EIR (2017), Pomona General Plan Update and Corridor Specific Plan (2013), SCAG 2016-2040 RTP/SCS Draft Program EIR (2016), SCAG 2020-2045 RTP/SCS (2020)), or were quantified but were not combined with operational emissions (i.e., South Glendale Community Plan Draft EIR (2017)). In addition, the Downtown, Hollywood, West Adams and South/Southeast LA Community Plan EIRs did not combine emissions and a similar comment was not provided by the SCAQMD.

With respect to the analysis of construction impacts we also note the following:

1. Construction is happening under existing conditions and there is no evidence that construction will change/increase substantially over time; quantifying the incremental difference in daily construction activity (i.e., additional pieces of equipment operating or haul trucks on roads within the Boyle Heights CPA) under the Proposed Plan is not practically possible.
2. In addition, CalEEMod equipment inventories and activities for land use development projects are estimated based on the lot acreage of the project site; quantifying the incremental difference in acreage under construction on a given day within the Boyle Heights CPA is not practically possible.

3. The exercise of estimating existing and future daily construction activity for purposes of estimating changes in emissions is speculative and would involve evaluating the incremental increase in daily construction activity (i.e., site areas, specific inventories of equipment and haul trucks under existing conditions as well as with and without implementation of the Plan in the horizon year).
4. Construction emissions are a small fraction of total emissions. The 2008 SCAG RTP Program EIR calculated average construction emissions assuming that increased development and some redevelopment would be spread evenly over the 25-year planning horizon. The analysis did go on to speculate as to average project size, daily construction activity and earth movement for an average residential and non-residential project. That analysis indicated that construction emissions represented an average of about 0.95% of total calculated mobile source, and energy-related regional emissions. Thus, combining construction and operational emissions would not substantially alter the operational emissions and the fraction represented by construction would likely be within the error margin of the overall modeling.
5. For a typical construction fleet, emissions from construction today are greater than they will be in the future because of mandatory emission control programs implemented at the state level.
6. The District *Handbook* explicitly states that operational emissions begin following the completion of construction activities; and the operational emissions thresholds for VOC and NO_x were derived based on federal regulations for stationary sources.
7. It would be atypical to attempt to quantify the incremental increase in daily construction acreage, daily construction equipment activity, and daily construction truck trips that would result from implementation of the Proposed Plan relative to the Existing Plan in a specific year or relative to Existing Conditions.
8. For GHG emissions, the accepted methodology is to combine construction and operation emissions for individual projects and to amortize construction emissions over the anticipated lifetime of a project (typically 30 to 50 years). But that is not appropriate for criteria pollutants where impacts are much more directly correlated with impacts.

Based on all of the above, the EIR analysis as presented is reasonable.

Response 7-8

The commenter suggests that the redevelopment of hazardous material sites and grading and excavation activities may uncover contaminated soil requiring soil decontamination measures, and export off-site. The EIR includes a discussion of construction emissions for different sizes of projects (25, 50, 100 and 150 truck

trips per day and 2, 4, 8 and 10 pieces of heavy-duty equipment on-site each day) that could be reasonably expected under implementation of the Proposed Plan. Absent a specific remediation project to assess within the context of the Proposed Plan, the City maintains that the EIR assessment based on different truck volumes is a reasonable estimate of potential project emissions. It is acknowledged that an atypical project, such as one with substantial soil remediation, could require more than 100 truck trips per day. As identified in the EIR (p. 4.2-50), such a project would result in a significant and unavoidable impact related to NOX emissions.

Response 7-9

The commenter suggests that the EIR did not properly quantify emissions from contaminated soil removal and hauling activities associated with remediation activities, as the permitted hazardous disposal facility may be longer than 20 miles away. The EIR did not include these emissions as it is not possible to determine the amount of remediation activities needed within the Plan Area. Future discretionary projects resulting from the Proposed Plan would be subject to environmental review, and remediation and associated emissions would be evaluated to determine the activities' impact on air quality.

Response 7-10

The commenter recommends that Lead Agencies of future individual projects conduct modeling to determine localized air quality impacts. The comment is noted. It is the City's practice to model air emissions for projects that have the potential to result in emissions over SCAQMD's recommended thresholds.

Response 7-11

The commenter requests revisions to Mitigation Measures AQ-2, AQ-5, and AQ-7 to reflect changing technology and best practices over time to reduce GHG emissions. This suggested mitigation measure would require a massive turnover of the private on-road haul truck vehicle fleet from older engines to new zero-emissions or near-zero emission trucks. These trucks are not currently readily available in Los Angeles County and not in the numbers that would support the intensity of construction activities in the Boyle Heights CPA and throughout the City, although this is expected to change with time. The City is not best situated to do rulemaking on the best available control technology as an expert agency on air pollution control measures. The City finds it is infeasible as a policy matter to expend resources to regulate fleet emissions. Fleet emissions for vehicles that provide a regional service are best regulated by the CARB or the SCAQMD. For example, the SCAQMD already has rules that are relevant to certain vehicle fleets (e.g., Rule 1196 Clean On-Road Heavy-Duty Public Fleet Vehicles) and the CARB has regulations applicable to truck emissions (e.g., Heavy-Duty (Tractor-Trailer) Greenhouse Gas Regulation). The Mitigation Measures are intended to be implemented through the City's Environmental Protection Measures process which

provides flexibility for the Director of Planning to update the measures as new technology and data become available.

Response 7-12

The commenter summarizes the Plan Area's sensitive receptors and recommends CARB's *Air Quality and Land Use Handbook: A Community Health Perspective* is a general reference guide for evaluating and reducing air pollution impacts associated with new projects that go through the land use decision-making process. The comment does not address the adequacy or contents of the EIR. The CARB Air Quality and Land Use Handbook: A Community Health Perspective document, referenced on page 4.2-16 of the EIR, is acknowledged by City planners as a reference guide for evaluating and reducing air pollution impacts associated with new projects that go through the land use decision-making process.

Response 7-13

The commenter asserts that the Proposed Plan's construction health risk impacts may have been underestimated and recommends that Lead Agency revise the construction HRA to provide additional information demonstrating that the use of published EIRs for the largest development projects recently approved in the City is appropriate to substantiate the conclusion that the Proposed Plan will be less than significant with mitigation measures incorporated.

Health risk assessments are not required by the SCAQMD or the City, and no guidance for health risk assessments for construction has been adopted by the SCAQMD or the City. Nonetheless, per the SCAQMD request, the City reviewed published EIRs for the largest development projects recently approved in the City for additional information on construction health risk assessment. The following presents three recent projects posted on the City's website for Environmental Impact Reports.

The 5420 Sunset Boulevard Project would replace an existing grocery store, vacant commercial space, fast-food restaurant, and associated parking areas with a new mixed-use development consisting of 735 multi-family residential units and up to 95,000 square feet of neighborhood-serving commercial uses, including market/retail and restaurant uses. The proposed uses would be provided within four buildings that would be up to six stories with a maximum height of 75 feet. Page IV.A-61 of that EIR concludes that this project would not result in a significant impact related to toxic air contaminant emissions during construction. A construction health risk assessment was completed in the Final EIR. As discussed on Page II-66 of the Final EIR, unmitigated construction emissions associated with this project would not result in a significant health risk.

Archer Forward: Campus Preservation and Improvement Plan consists of the North Wing Renovation, which includes demolishing and replacing the existing North Wing of the Main Building with an entirely

new North Wing. During construction of the new North Wing, Archer would establish a Temporary Classroom Village on the existing outdoor athletic fields. The Project also proposes new athletic, performing arts, and visual arts facilities. In addition, the existing outdoor athletic fields would be improved and would include regulation-size soccer and softball fields. Parking is proposed in a new underground parking structure to accommodate approximately 212 cars within the western portion of the campus. The Project also includes associated landscaped plazas, courtyards, and pedestrian paths. Page IV-B-42 of that EIR includes a health risk assessment, which concludes that the impact would be less than significant without mitigation measures.

The Sunset + Wilcox Project includes the development of a 15-story commercial building with a total floor area of 443,418 square feet consisting of 431,032 square feet of office space and 12,386 square feet of ground floor restaurant space. Page IV.A-64 of that EIR concludes that this project would not result in a significant impact related to toxic air contaminant emissions during construction.

The Citywide Housing Element 2021-2029 and Safety Element Update Environmental Impact Report evaluated 54 environmental documents (EIR, SCEA, MND) for various sized residential projects in the City. Of the 54 project, 5 projects identified significant unavoidable air quality impacts.² Of the five projects identified as having significant and unavoidable air quality impacts, none identified significant and unavoidable construction related TAC impacts. The five projects included:

- Olympia Project: 1.84 million new square feet, occupying a whole city block, and 284,000 cubic yards of soil export (Los Angeles 2018a);
- 2134 Violet Street Project: 569,448 square feet, involving a whole City block, with 239,000 cubic yards of soil export (Los Angeles 2020a);
- Crossroads Project: 1.4 million square feet in the Hollywood Plan Area, 647,753 cubic yards of soil export (Los Angeles 2017);
- Times Mirror: 1.5 million square feet on a 3.6-acre city block, involving 37-story tower and a 53-story tower, and export of 364,000 cubic yards of soil (Los Angeles 2019); and
- 5th and Hill: 260,689 square feet on a .38-acre site, involving 53-story building, with 25,092 cubic yards of soil export (Los Angeles 2018b).

² City of Los Angeles, *Housing Element 2021-2029 and Safety Element Update EIR*, Table 4-2, page 4-6: Available online at: https://planning.lacity.org/eir/HEU_2021-2029_SEU/deir/files/04_environmental%20Analysis.pdf, accessed July 27 2023.

Only one of the projects in Table 4-2 found a potential impact from TACs. In the 6220 West Yucca Project, the EIR found a potential impact related to TACs under a conservative worst-case scenario. The EIR involved demolition of an existing structure and construction of 210 multi-family residential units, 136 hotel rooms, and approximately 12,570 square feet of commercial/restaurant uses on a 1.16-acre site, with export of 120,000 cubic yards of soil. The EIR found that without mitigation the project could result in a cancer risk of approximately 10.4 in one million and a mitigated cancer risk of 0.47 with implementation of the following mitigation measure (West Yucca DEIR at p. IV.B-73):

MM-AQ-1: Construction Measures. The Project shall utilize off-road diesel-powered construction equipment that meets the CARB and U.S. EPA Tier 4 Final off-road emissions standards for equipment rated at 50 hp or greater during Project construction. To the extent possible, pole power shall be made available for use with electric tools, equipment, lighting, etc. These requirements shall be included in applicable bid documents and successful contractor(s) must demonstrate the ability to supply such equipment. A copy of each unit's certified tier specification or model year specification and CARB or SCAQMD operating permit (if applicable) IV.B. Air Quality 6220 West Yucca Project City of Los Angeles Draft Environmental Impact Report April 2020 IV.B-81 shall be available upon request at the time of mobilization of each applicable unit of equipment. (West Yucca DEIR at p. IV.B-80.)

Although the Boyle Heights Community Plan Update would result in additional residential development, resulting development would be substantially similar to existing residential projects and construction related TAC emissions from large projects would be reviewed at the project-level where appropriate mitigation measures would be imposed. Further, as demonstrated above, of 57 recent City of Los Angeles projects, only one identified potential TAC impacts and those impacts were able to be mitigated to less than significant levels. This supports the City's finding of less than significant for TACs. Further, the EIR concludes that each individual future industrial project would be responsible for demonstrating compliance with the air quality thresholds of significance devised by the SCAQMD that are designed to protect public health and prevent exposures to substantial pollutant concentrations. The City considers project-level health risk impacts of toxic air contaminants and provides mitigation measures as appropriate.

Response 7-14

The commenter recommends that prior to approving future individual development projects, the lead agency consider the project-level health risk impacts of toxic air contaminants on people who will live in a new project and provide mitigations where necessary. The commenter is referring to an impact of the environment on future project residents. In the California Supreme court *California Building Industry*

Association vs. Bay Area Air Quality Management District (December 17, 2015), the Court held that “agencies subject to CEQA generally are not required to analyze the impact of existing environmental conditions on a project’s future users or residents. But when a proposed project could exacerbate those environmental hazards or conditions that already exist, an agency must analyze the potential impact of such hazards on future residents or users. In those specific instances, it is the project’s impact on the environment a- and not the environment’s impact on the project – that compels an evaluation of how future residents or users could be affected by exacerbated conditions.” As such, CEQA addresses impacts of the project on the environment and not impacts of the environment on a project. The EIR states that the actual level of health risk would depend on a variety of factors that can only be determined once the specifics of a project (i.e., the type, location, and size of the facility, any permitted on-site sources, and the daily truck volumes) are known. Further, the EIR concludes that each individual future industrial project would be responsible for demonstrating compliance with the air quality thresholds of significance devised by the SCAQMD that are designed to protect public health and prevent exposures to substantial pollutant concentrations. The City acknowledges the SCAQMD recommendation. The City considers project-level health risk impacts of toxic air contaminants and provides mitigation measures as appropriate.

Response 7-15

The commenter recommends that the FEIR include additional mitigation measures to further reduce emissions from future construction and operation activities.

The comment recommends the consideration of additional mitigation measures to further reduce emissions and minimize significant air quality impacts. The City has reviewed the mitigation measures suggested by the SCAQMD. The following mitigation measures have not been incorporated into the Final EIR. An explanation for why they are not incorporated is provided for each measure.

Construction

- Require the use of electric or alternative-fueled (i.e., non-diesel) construction equipment, if available, including but not limited to, concrete/industrial saws, pumps, aerial lifts, material hoist, air compressors, forklifts, excavator, wheel loader, and soil compactors.
 - *Explanation:* The potential for impacts is based on many variables including the year of construction activities, the amount of equipment used per day, and the daily number of truck trips. Projects will be assessed on a case-by-case basis for potential impacts that may require electric or alternative-fueled (i.e., non-diesel) construction equipment.

- Owners and operators of future development projects shall maintain records of all trucks associated with project construction to document that each truck used meets these emission standards and make the records available for inspection. The Lead Agency should conduct regular inspections of future development projects.
 - *Explanation:* Trucks are required by State law to comply with emissions standards in order to receive a permit to operate. The City does not have the legal jurisdiction to ensure that on-road vehicles meet federal and State emissions standards.

- Provide electric vehicle (EV) charging stations or, at a minimum, provide the electrical infrastructure and electrical panels shall be appropriately sized. Electrical hookups should be provided for trucks to plug in any onboard auxiliary equipment.
 - *Explanation:* All future projects will be required to comply with the California Building Code, Title 24 requirements, which require electric vehicle charging stations.

- Provide temporary traffic controls such as a flag person, during all phases of significant construction activity to maintain smooth traffic flow, where necessary.
 - *Explanation:* The City Department of Transportation requires traffic controls during the permitting process for specific projects, when applicable.

- Provide dedicated turn lanes for the movement of construction trucks and equipment on- and off-site, where applicable.
 - *Explanation:* The City Department of Transportation requires traffic controls during the permitting process for specific projects, when applicable.

- Ensure that vehicle traffic inside the project site is as far away as feasible from sensitive receptors.
 - *Explanation:* The Boyle Heights CPA is a dense urban environment. Boyle Heights has a residential population of approximately 86,000 and a population density of approximately 13,000 people per square mile making it one of the most densely populated communities in Los Angeles. Development sites within the CPA lack space to accommodate this recommendation.

- Reduce traffic speeds on all unpaved roads to 15 miles per hour (mph) or less.
 - *Explanation:* This suggested mitigation measure is related to fugitive dust control. All construction projects located within the City are required to comply with SCAQMD Rule 403 (Fugitive Dust), which ensures comprehensive control of fugitive dust emissions in the Air Basin.
- Suspend all excavating and grading operations when wind speeds (as instantaneous gusts) exceed 25 mph.
 - *Explanation:* This suggested mitigation measure is related to fugitive dust control. All construction projects located within the City are required to comply with SCAQMD Rule 403 (Fugitive Dust), which ensures comprehensive control of fugitive dust emissions in the Air Basin.
- Suspend use of all construction activities that generate air pollutant emissions during first stage smog alerts.
 - *Explanation:* It is not practical or reasonable to suspend all construction activities on any given day within the 4,371-acre CPA Boyle Heights CPA.
- Configure construction parking to minimize traffic interference.
 - *Explanation:* The City's Department of Transportation requires traffic controls during the permitting process for specific projects, when applicable.
- Require covering of all trucks hauling dirt, sand, soil, or other loose materials.
 - *Explanation:* This suggested mitigation measure is related to fugitive dust control. All construction projects located within the City are required to comply with SCAQMD Rule 403 (Fugitive Dust), which ensures comprehensive control of fugitive dust emissions in the Air Basin.
- Install wheel washers where vehicles enter and exit the construction site onto paved roads or wash off trucks and any equipment leaving the site for each trip.
 - *Explanation:* This suggested mitigation measure is related to fugitive dust control. All construction projects located within the City are required to comply with SCAQMD Rule 403 (Fugitive Dust), which ensures comprehensive control of fugitive dust emissions in the Air Basin.
- Apply non-toxic soil stabilizers according to manufacturers' specifications to all inactive construction areas (previously graded areas inactive for ten days or more).

- *Explanation:* This suggested mitigation measure is related to fugitive dust control. All construction projects located within the City are required to comply with SCAQMD Rule 403 (Fugitive Dust), which ensures comprehensive control of fugitive dust emissions in the Air Basin.
- Replace ground cover in disturbed areas as quickly as possible to minimize dust.
 - *Explanation:* This suggested mitigation measure is related to fugitive dust control. All construction projects located within the City are required to comply with SCAQMD Rule 403 (Fugitive Dust), which ensures comprehensive control of fugitive dust emissions in the Air Basin.
- Pave roads and road shoulders, where applicable.
 - *Explanation:* This suggested mitigation measure is related to fugitive dust control. All construction projects located within the City are required to comply with SCAQMD Rule 403 (Fugitive Dust), which ensures comprehensive control of fugitive dust emissions in the Air Basin.
- Sweep streets at the end of the day with South Coast AQMD Rule 1186 and 1186.1 compliant sweepers if visible soil is carried onto adjacent public paved roads (recommend water sweepers that utilize reclaimed water).
 - *Explanation:* This suggested mitigation measure is related to fugitive dust control. All construction projects located within the City are required to comply with SCAQMD Rule 403 (Fugitive Dust), which ensures comprehensive control of fugitive dust emissions in the Air Basin.

Operation

- Require ZE or near-zero emissions (NZE) heavy-duty trucks for future development projects during operation. Given the State’s clean truck rules and regulations aiming to accelerate the utilization and market penetration of ZE and NZE trucks, such as the Advanced Clean Trucks Rule and the Heavy-Duty Low NOx Omnibus Regulation, ZE and NZE trucks will become increasingly more available to use. The Lead Agency can and should require future development projects to have a phase-in schedule to incentivize these cleaner operating trucks to reduce any significant adverse air quality impacts. South Coast AQMD staff is available to discuss the availability of current and upcoming truck technologies and incentive programs.
 - *Explanation:* This suggested mitigation measure would require a massive turnover of the private on-road haul truck vehicle fleet from older engines to new zero-emissions or near-zero emission trucks. These trucks are not currently readily available in Los Angeles County and not in the numbers that would support the intensity of construction activities in the Boyle Heights CPA and

throughout the City, although this is expected to change with time. The City is not best situated to do rulemaking on best available control technology as an expert agency on air pollution control measures. The City finds it is infeasible as a policy matter to expend resources to regulate fleet emissions. Fleet emissions for vehicles that provide a regional service is best regulated by the CARB or the SCAQMD. For example, the SCAQMD already has rules that are relevant to certain vehicle fleets (e.g., Rule 1196 (Clean On-Road Heavy-Duty Public Fleet Vehicles) and the CARB has regulations applicable to truck emissions (e.g., Heavy-Duty (Tractor-Tractor) Greenhouse Gas Regulation).

- Additionally, it is infeasible to create a fleet emission requirements for one community plan out of 35, and for one City not the entire air basin or economic region. It would be unreasonable from a policy perspective for the City to invest the necessary resources to develop a program mandating truck requirements within the Boyle Heights CPA, which would require expending significant funds for research and development and rulemaking activities. The City finds that expending these resources is not supported by standard practices under CEQA and that it would not be appropriate to divert funding when CARB and the SCAMQD already maintain robust emission control strategies.
- Require future development projects to provide electrical infrastructure and electrical panels, which should be appropriately sized. Electrical hookups should be provided for truckers to plug in any onboard auxiliary equipment. Maximize use of solar energy by installing solar energy arrays.
 - *Explanation:* All new land use development in the City complies with laws and regulations related to electrical infrastructure (e.g., Title 24). LADWP is responsible for power supply and compliance with SB 350 (Clean Energy and Pollution Reduction Act of 2015). The City has an aggressive goal for 100% renewable energy by 2045 that is independent of the Proposed Plan. For example, former Los Angeles Mayor Eric Garcetti’s plan to phase out three gas-fired power plants by 2029 is expected to accelerate the transition by the largest municipal utility in the nation to 100% renewable energy. Several policies in the Proposed Plan promote solar energy including:

In addition, the Los Angeles Green Building Code includes up-to-date solar requirements mandated by the State. The City finds this measure as infeasible as a policy matter to the extent it is inconsistent with other City plans and policies to reduce energy use and attain its renewable energy goals.
- Limit the daily number of trucks allowed at future development projects to the levels analyzed in the subsequent, project-level environmental analyses for these projects. If higher daily truck volumes are

anticipated to visit the site, an additional analysis should be done through CEQA prior to allowing this higher activity level.

- *Explanation:* The potential for impacts is based on many variables including the year of construction activities, the amount of equipment used per day, and the daily number of truck trips. It is not possible to develop a truck limit that would reduce emission from every project to a less-than-significant impact given the variables. Projects will be assessed on a case-by-case basis for potential impacts that may require truck volume limitations.
- Use light colored paving and roofing materials.
 - *Explanation:* Alternative paving materials, such as porous asphalt, permeable pavers, and decomposed granite or crushed rock are generally permitted in parking areas; see LAMC Section 12.21.A.6.(c). The City has a cool roof ordinance as part of the Los Angeles Green Building Code; the ordinance does not mandate specific color palettes or materials but allows for flexibility as long as products are in line with the Cool Roofs Rating Council. For additional information, see Ordinance No. 183149.
- Utilize only Energy Star heating, cooling, and lighting devices, and appliances.
 - *Explanation:* The City has a Green Building Code that incorporates Energy Star features into new construction. Refer to the Energy Efficiency subsection of Divisions 4 (Residential Mandatory Measures) and 5 (Nonresidential Mandatory Measures) of Article 9 in the LAMC Green Building Code.
- Use of water-based or low VOC cleaning products that go beyond the requirements of South Coast AQMD Rule 1113.
 - *Explanation:* The regional availability of water-based and low VOC cleaning products should be regulated by the SCAQMD, similar to SCAQMD Rule 1113 for Architectural Coatings. Unlike the SCAQMD, the City does not have the expertise or resources to identify and enforce a ban on the VOC content of cleaning products. It would not be feasible or responsible for the City to expend resources for program development to the extent that the SCAQMD already does as the regulatory authority. The City finds such a measure therefore infeasible as a policy matter as it is undesirable to use City resources needed elsewhere to develop a rulemaking process requiring technical air pollution expertise and understanding of the industry. The City also finds it is infeasible to develop new rules on cleaning products at the community plan level.

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

- Design future development projects such that any truck check-in point is inside the site to ensure no trucks are queuing outside.
 - *Explanation:* The Community Plan sets a land use and zoning framework for the CPA and does not include prescriptive design elements. Further, the small size of many of the lots in the CPA make truck check in points impractical and infeasible at the project level.
- Design a future development project to ensure that truck traffic inside the project site is as far away as feasible from sensitive receptors.
 - *Explanation:* The Boyle Heights CPA is a dense urban environment. Boyle Heights has a residential population of approximately 86,000 and a population density of approximately 13,000 people per square mile making it one of the most densely populated communities in Los Angeles. Development sites within the CPA lack space to address this recommendation.
- Restrict overnight truck parking in sensitive land uses by providing overnight truck parking inside the future development project site.
 - *Explanation:* The intent of the proposed measure is unclear, however, during the construction phase trucks are anticipated to be parked on site.
- Create buffer zones between warehouses and sensitive land uses.
 - *Explanation:* The Boyle Heights CPA is a dense urban environment. Boyle Heights has a residential population of approximately 86,000 and a population density of approximately 13,000 people per square mile making it one of the most densely populated communities in Los Angeles. Development sites within the CPA lack space to address this recommendation. The Proposed Plan aims to improve land use compatibility by creating buffers and better transitions between intense uses and sensitive uses, such as residential neighborhoods.

Response 7-16

The commenter recommends that the EIR should not rely on the effectiveness of Minimum Efficiency Reporting Value (MERV) 13 rated filters to sufficiently alleviate exposures to diesel particulate matter emissions. The comment offers several strategies to reduce exposure, including using filtration systems with MERV 13 or better and landscaping screening. Strategies, or mitigation measures, to reduce diesel

particulate matter at residences are not required because the EIR does not identify a related significant impact. Refer to **Response 7-11**. The SCAQMD recommendations for additional strategies have been provided to the decision-makers for consideration to be included in the Proposed Plan.

Response 7-17

The commenter requests that all South Coast AQMD comments on the EIR are provided with a written response and addressed in detail. The comment is noted, and written responses have been provided above.



Ernesto Gonzalez <ernesto.a.gonzalez@lacity.org>

RE: ENV-2016-2906-EIR

2 messages

Mark Lopez <markl.eycej@gmail.com>
To: boyleheightsplan@lacity.org

Tue, Oct 11, 2022 at 1:05 AM

This email is intended to submit a comment letter to the Boyle Heights Community Update Plan on behalf of East Yard Communities for Environmental Justice.

1

mark! Lopez
East Yard Communities for Environmental Justice

2317 Atlantic Blvd Commerce, CA 90040

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 **BHNP 2022 EYCEJ.pdf**
144K

Ernesto Gonzalez <ernesto.a.gonzalez@lacity.org>
To: Mark Lopez <markl.eycej@gmail.com>
Cc: boyleheightsplan@lacity.org

Tue, Oct 11, 2022 at 10:00 AM

Hello Mark,

Thank you for your comment letter, it has been received and filed.



LOS ANGELES
CITY PLANNING

Ernesto Gonzalez

Pronouns: He, His, Him

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Fighting for Life

East Yard Communities for Environmental Justice – 2317 Atlantic Blvd. Commerce, CA. 90040

October 11, 2022

Ernesto Gonzalez
Los Angeles Department of City Planning
200 North Spring Street, Room 667
Los Angeles, California 90012

RE: ENV-2016-2906-EIR

On behalf of our Members who are Boyle Heights residents, East Yard Communities for Environmental Justice submits these comments on the Boyle Heights Community Plan Update (BH CPU). East Yard Communities for Environmental Justice (EYCEJ) is an environmental health and justice community-based movement working towards a safe and healthy environment for our communities that are disproportionately suffering the negative impacts of industrial pollution on the Eastside, Southeast Los Angeles, Long Beach and surrounding areas. EYCEJ recognizes and promotes full and authentic community participation in making policies that affect our communities directly, promoting the implementation of Environmental Justice guidelines for local, state, and federal governments and agencies as well as industry. EYCEJ promotes direct democratic decision-making and taking collective action for safe and healthy communities where we live, work, learn and play.

2

We are concerned that the BH CPU will be approved despite the many issues in the document and in the review process. To start we must acknowledge that the process as a whole was not done well, and the environmental review documents were not properly circulated. Adding to the already typically inadequate community engagement practices of public agencies, including insufficient time for review and community members facing linguistic isolation because of environmental documents left not translated, the world wide pandemic generated further isolation for our community members. The environmental review documents were completely inaccessible for many residents left without internet access. Additionally, the Benjamin Franklin Branch Library, where residents of all ages access the internet and also are typically able to access public review documents in person, remains closed for construction.

3

Regarding the substance of the environmental review documents, some of our biggest concerns are as follow:

Public Service and Recreation:

- The Officers at the Hollenbeck Police Station have a strained relationship with the community, adversarial even. The relationships our communities have with law enforcement were not considered whatsoever. Police often agitate the community and sometimes incite violence. Often their service is viewed as a detriment instead of an asset. Investing in community-based alternatives to policing should be studied, reviewed and included in the BH CPU. This should include partnering with community leaders engaged in intervention work, as well as social workers as first responders as opposed to police.
- One of the most visible issues in Boyle Heights is the excessive amount of illegal dumping, and lack of agency response. Access and maintenance of our public spaces was not addressed in the plan in a

4



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East Yard Communities for Environmental Justice – 2317 Atlantic Blvd. Commerce, CA. 90040

tangible way, leaving a large gap to potentially go unaddressed. Residents have taken it upon themselves to organize community cleanups, a public service that should happen at an ever-increasing rate.

4

- Given the increasing impacts of climate change, the fact that the urban heat island effect was not addressed is a huge oversight. Boyle Heights is especially vulnerable to heat waves since we have lost a lot of our tree canopy. The impacts of climate change will only continue to increase leading us to a potential climate catastrophe, which this planning process should be preparing us for collectively.

5

Cultural Resources:

- Given that the review period for public comments ends the day after Indigenous Peoples Day, we must point out that the plan does NOT refer to the mistreatment and representation and inclusion of the Tonva, Kizh, Gabrialeño, and Gabrielino Indigenous community members. As we look at plans for rezoning, renovation and preservation, the city is afforded an opportunity for renaming, updating aspects of public programming, and build relationships with our relatives.

6

Air Quality

- When it comes to addressing air quality issues in ways that are accessible and meaningful for residents, there is a huge cap. Purple Air Monitors are a popular tool for community engagement because they are cheap, but this is the exact reason why it is inappropriate for public dollars to be used for them. Purple Air Monitors are unreliable and the South Coast Air Quality Management District (SCAQMD) does not find the data generated by Purple Air Monitors to be suitable to use for generating enforceable action when it comes to polluters.
- Though the AB 617 committee has attempted to move the SCAQMD to enforce regulation on well-known polluters in the area, much time and money has been wasted on assessing the potential for unknown polluters. There has been no substantial increase in air quality in Boyle Heights due to the AB 617 process and the City of Los Angeles must ensure that air quality issues are not left to SCAQMD alone. Of particular concern is the mention of utilizing storage and distribution facilities as a buffer between heavy manufacturing and residential areas. Aside from the significant air and health quality impacts of increased truck traffic in our communities, heavy industrial uses beyond manufacturing often coexist. We need to look no further than Sterigenics in nearby Maywood for a recent example of a toxin, Ethylene Oxide (EtO) which has recently been exposed for being more toxic than originally thought by the United States Environmental Protection Agency, being improperly handled outside of production. EtO is used to sterilize a number of products and is highly toxic. Sterigenics has been storing sterilized items in a warehouse not too far from Boyle Heights and allowing the items of off gas at two warehouse storage facilities. Because the facility is not designed to store these toxins, there is no proper equipment for dealing with the toxin. Essentially Sterigenics has been off gassing into our communities for years without any proper protections. This is the threat that storage and warehousing adjacent to homes, schools or other sensitive receptors, present to our communities.

7

8

Hydrology

- The Los Angeles Regional Water Quality Control Board (RWQCB) should not allow water to be intoxicated at any capacity. The Total Maximum Daily Loads (TMDL) should be zero, or at the very

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East Yard Communities for Environmental Justice – 2317 Atlantic Blvd. Commerce, CA. 90040

least should include measurable and enforceable expectations that decrease over the year. Though this is another example of an agency ultimately having jurisdiction, the RWQCB’s Basin Plan identifies that runoff water quality for every jurisdiction is that jurisdiction’s responsibility before it reaches the river. There are many infrastructure improvements, from filtration systems to bio swales, that can be implemented to achieve the goal of detoxifying runoff water before it reaches the LA River. The spirit of the Clean Water Act should not allow the discharge of pollutants into water with a permit. There are many different approaches to eliminating these pollutants.

9

For these reasons, we feel the environmental review documents should be updated to reflect the needs of our communities.

Sincerely,

East Yard Communities for Environmental Justice
mLopez@EYCEJ.org

Letter 8 **East Yard Communities for Environmental Justice**
Mark Lopez
2317 Atlantic Boulevard
Commerce, CA 90040

Response 8-1

The commenter states that the East Yard Communities for Environmental Justice comment letter is attached. The letter was received and is responded to below.

Response 8-2

The commenter provides a summary of East Yard Communities for Environmental Justice as a community organization and summarizes its concerns. This background is noted. No further response is required.

Response 8-3

The comment expressed concern that the DEIR did not follow the correct environmental review process, and the document was not properly circulated.

The City has met all CEQA requirements with respect to public noticing of the availability of the Notice of Preparation of the DEIR and circulation of the DEIR. The DEIR public review period was 75 days, far exceeding the 45-day DEIR review period required by CEQA. The DEIR was made available at nearby libraries including the Robert Louis Stevenson Branch Library, the Los Angeles Central Library, and Malabar Branch Library, and a notice was published in the LA Times. Several planning documents, e-blasts, and informational materials were translated into languages spoken within the Plan area, including the entirety of the DEIR Executive Summary. An announcement of the DEIR publication was shared with those signed up for the Boyle Heights Community Plan Update email list, through the City Planning newsletter, and several organizations and community members. An announcement was made at the Boyle Heights Neighborhood Council Board meeting ahead of the publication date. Additionally, the City offers translation upon request and translators were available for public outreach events.

Response 8-4

The comment suggests that the City invest in community-based alternatives to policing, and the EIR should address the amount of illegal dumping and maintenance of public spaces. The EIR evaluates impacts associated with the provision of new or physically altered police facilities, need for new or physically altered police facilities (Threshold 4.13-2).

The comment does not identify the potential for new physical environmental impacts not addressed in the EIR, and no specific response is required. The comment will be included as part of the record and

forwarded to the decision-makers for their review and consideration prior to any action being taken on the Proposed Plan.

Response 8-5

The comment is a suggestion that the EIR did not incorporate a discussion on the urban heat island effect as Boyle Heights is especially vulnerable to heat waves due to the loss of tree canopy.

"Urban heat islands" occur when natural land cover is replaced with dense concentrations of pavement, buildings, and other surfaces that absorb and retain heat. The Plan Area is highly developed and is currently covered with roadways, parking lots, hardscaping, and buildings. As discussed in *Section 4.9, Hydrology and Water Quality*, the Proposed Plan would not result in a substantial increase in paved surfaces. The majority of development would take the form of infill in areas with low levels of natural land cover. As discussed in *Section 4.3, Biological Resources*, there are no expected losses to tree canopy that would exacerbate the heat island effect. Further, per the Protected Tree Regulations (4a) listed in Ordinance 186873, in the event that the LADPW approves a tree removal, replacement of the tree would be required with at least two trees of a protected variety. The City of Los Angeles Tree Preservation Ordinance makes it illegal to remove or fatally harm protected trees and shrubs without the issuance of a permit. *Section 4.8 Greenhouse Gas Emissions* also details the numerous City and State programs that are aimed at reducing the overall GHG emissions. As demonstrated within *Section 4.8*, the Proposed Plan would reduce per capita GHG emissions, demonstrating the net environmental benefit of the Proposed Plan.

Response 8-6

The commenter suggests that the EIR does not refer to the mistreatment and representation and inclusion of the Tonva, Kizh, Gabrieleno, and Gabrielino Indigenous community members and recommends the Proposed Plan address preservation.

The City recognizes the area known as Boyle Heights has a long history inhabited by native people. *Section 4.15* of the EIR states, "As the Boyle Heights CPA was inhabited by native people for presumably thousands of years, substantial numbers of tribal cultural resources have been discovered over time in the area."

As required, the City conducted Native American outreach to the Gabrieleno Band of Mission Indians – Kizh Nation. In recognition of the likelihood of discovering tribal cultural resources, the Plan includes several mitigation measures to help address potential impacts to these resources. Future discretionary development under the Proposed Plan that is subject to CEQA must comply with the requirements of Assembly Bill 52, which requires consultation with California Native American tribes as each project is proposed which may result in the identification of tribal cultural resources. The DEIR evaluated the impact to tribal cultural resources and determined impacts would be potentially significant. Mitigation Measures

MM TC-1, Native American Consultation and Monitoring for Discretionary Projects, and MM TC-2, Notices for Non-Discretionary Projects outline a process for how projects are to proceed in the event of inadvertent discovery of tribal cultural resources, these measures also include best practices such as consultation, tribal monitoring and education which will help to reduce potential impacts.

Response 8-7

The commenter states concern for the use of Purple Air Monitors for generating enforceable action when it comes to polluters. The EIR evaluates impacts to air quality by utilizing data provided by the SCAQMD operated air monitoring stations. SCAQMD operates 43 stations. The SCAQMD does use PM2.5 concentrations measured by low-cost sensors developed by PurpleAir Monitors. Per Rule 1466, owner or operator conducting earth-moving activities of soil with applicable toxic air contaminant(s) must conduct ambient PM10 monitoring, dust control measures, notification, signage, and recordkeeping. The low-cost sensors are installed at hundreds of locations by residents and agencies throughout the jurisdiction. According to the SCAQMD website, "since these sensors are not as accurate as the regulatory monitors, we do extensive quality control to ensure that we are not using data from bad sensors. We also calibrate the data to improve accuracy. Because sensors may be located near hyper-local sources such as a barbeque grill or chimney, we average all the sensor measurements in a grid cell and only use this data when there are three or more sensors in a grid cell. The low-cost sensor data and the model predictions are blended with the regulatory monitoring data using a method that takes into account the relative accuracy of each of these sources to determine PM2.5 levels in the grid cells without regulatory PM2.5 monitors." The EIR does not include project level monitoring as a mitigation measure. The comment does not identify the potential for new physical environmental impacts not addressed in the EIR, and no specific response is required. The comment will be included as part of the record and forwarded to the decision-makers for their review and consideration prior to any action being taken on the Proposed Plan.

Response 8-8

The commenter states concern over the intended results of Assembly Bill 617, which requires the California Air Resources Board (CARB) and air districts to develop and implement additional emissions reporting, monitoring, reduction plans and measures in an effort to reduce air pollution exposure in disadvantaged communities. The commenter also expresses concern for the utilization of storage and distribution facilities adjacent to residential use and other sensitive receptors.

The Community Air Monitoring Plan and Community Emissions Reduction Program is an ongoing program in the Boyle Heights neighborhood, which will not be impacted by the Proposed Plan. The Proposed Plan aims to prevent health impacts to local communities through the location and design of industrial land uses, as well as improve land use compatibility by creating buffers and better transitions

between intense uses and sensitive uses, such as residential neighborhoods. Policy LU 23.1 encourages proper containment of pollutants and mitigation of potential health risks. Policy LU 23.2 promotes the phasing out or relocation of facilities used for the handling of potentially hazardous chemicals or toxic substances near residential uses and schools and discourage any further expansion of existing facilities. As a result, the Proposed Plan would have a beneficial impact on industrial uses impacting adjacent residential areas. The DEIR accounted for the Proposed Plan policies in its assessment.

Response 8-9

The commenter requests that the Total Maximum Daily Loads (TMDL) permitted by the Los Angeles Regional Water Quality Control Board (RWQCB) should aim to be zero or include measurable and enforceable to reduce pollutant discharges. TMDLs represents the assimilative capacity of a receiving water to absorb a pollutant and is the sum of the individual wasteload allocations for point sources, load allocations for nonpoint sources plus an allotment for natural background loading, and a margin of safety. TMDLs have been established for the Los Angeles River Watershed and include sediment, nutrients, toxics, bacteria, metals, and trash. As discussed in the DEIR in *Section 4.9, Hydrology and Water Quality*, the Proposed Plan would comply with all the National Pollutant Discharge Pollution System (NPDES) permits and LAMC regulatory requirements to reduce stormwater runoff. The Proposed Plan includes policies to encourage upgrades to streets in industrial areas to help infiltrate and treat contaminated runoff through best management practices. Additionally, paved surfaces are encouraged to contain permeable surfaces to increase water infiltration and reduce runoff. The City will encourage these policies to continue to reduce pollutant discharge into the Los Angeles River.



BHCPU Follow Up Questions

Katie McKeon <kmckeon@publiccounsel.org>

Tue, Aug 2, 2022 at 3:21 PM

To: Priya Mehendale <priya.mehendale@lacity.org>, Kiran Rishi <kiran.rishi@lacity.org>, Ernesto Gonzalez <ernesto.a.gonzalez@lacity.org>

Cc: Greg Bonett <gbonett@publiccounsel.org>, Pamela Agustin-Anguiano <pamela@eastsideleads.org>

Hi all,

Thank you for all your work on the Boyle Heights Community Plan Update – we’re looking forward to diving into the draft EIR and the new plan update draft. We had a few questions that we were hoping you could assist with:

1. Do you have the shape files for the updated proposed zoning map? We’d like to run some analysis on our end and the updated shape files would be very helpful.

1

2. Is there a document that explains the changes that were made from the Summer 2020 version to the Summer 2022 version of the community plan update document? I believe other community plan updates have provided a summary document of the changes made between drafts, but didn’t see it on the BHCPU website.

2

3. Can you give us a sense of the timeline moving forward with regards to the public hearings? Do you have a sense of when that or those will be scheduled? And do we anticipate a single public hearing on the EIR and the plan update together, or will they have separate hearings?

3

4. Finally, we’d like to request that the comment period for the draft EIR be extended from 60 days to 90 days. As I’m sure you can appreciate, it will take some time to review the 1,000+ page draft EIR, share out the relevant material to our community member base, and draft a comment letter before the deadline. Let us know if we need to make the request through more formal channels – happy to do so.

4

Thank you again for all your work. Looking forward to getting this over the finish line!

Best,
Katie

Katie J.G. McKeon

(she/her/hers)

Staff Attorney

Community Development Project



Public Counsel

610 S. Ardmore Avenue | Los Angeles, CA 90005

Tel 213.385.2977, ext. 233 | Fax 213.385.9098

kmckeon@publiccounsel.org | www.publiccounsel.org

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Letter 9 **Eastside LEADS Coalition**
Katie McKeon
610 S. Ardmore Avenue
Los Angeles, CA 90005

Response 9-1

The commenter requests the GIS shapefiles for the updated proposed zoning map to conduct their own analysis. The shapefiles were provided on August 26, 2022.

Response 9-2

The commenter requests a summary of the changes that were made from the Summer 2020 version of the Proposed Plan to the Summer 2022 version. The summary of changes can be found here: https://planning.lacity.org/odocument/3e4436cc-3715-4ba0-bf76-be152d7d3d03/Summer_2022_Summary_of_Changes_BHCPU.pdf.

Response 9-3

The commenter requests information on the Proposed Plan timeline and public hearing dates. A Virtual Information Session and Public Hearing for the Proposed Plan was held on October 27, 2022, and a public hearing was held by the City Planning Commission on April 20, 2023. No further public hearing dates are scheduled as of the publication of this FEIR.

Response 9-4

The commenter requests that the comment period for the DEIR be extended from 60 days to 90 days. Per *State CEQA Guidelines*, a draft EIR must be released for public comment for at least 30 days but no more than 60 days, unless there are unusual circumstances (*State CEQA Guidelines* Section 15105). When a DEIR is submitted to the State Clearinghouse for review by state agencies, which is the case for the Boyle Heights Community Plan DEIR, the public review period shall not be less than 45 days, unless a shorter period, not less than 30 days, is approved by the State Clearinghouse. The DEIR was released on July 28, 2022 and the comment period ran through October 11, 2022. The comment period was extended from the original date of September 26, 2022. As a result, the comment period was open for 75 days, longer than the 45 days per *State CEQA Guidelines*. There are no unusual circumstances that would warrant a longer comment period.



Ernesto Gonzalez <ernesto.a.gonzalez@lacity.org>

DEIR - Boyle Heights Community Plan Update - Request for Extension of Comment Period

Katie McKeon <kmckeon@publiccounsel.org>

Thu, Aug 11, 2022 at 3:09 PM

To: Ernesto Gonzalez <ernesto.a.gonzalez@lacity.org>

Cc: Craig Weber <craig.weber@lacity.org>, Priya Mehendale <priya.mehendale@lacity.org>, Kiran Rishi <kiran.rishi@lacity.org>

Hi Ernesto,

On behalf of the Eastside LEADS coalition, I'd like to request that the comment period on the Draft EIR for the Boyle Heights Community Plan Update be extended from 60 days to 75 days.

1

Thank you, and please feel free to follow up with any questions.

Katie McKeon

Katie J.G. McKeon*(she/her/hers)**Staff Attorney**Community Development Project***Public Counsel**

610 S. Ardmore Avenue | Los Angeles, CA 90005

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Letter 10

**Eastside LEADS Coalition
Katie McKeon
610 S. Ardmore Avenue
Los Angeles, CA 90005**

Response 10-1

The commenter requests that the comment period for the DEIR be extended from 60 days to 75 days. See **Response 9-4.**



Ernesto Gonzalez <ernesto.a.gonzalez@lacity.org>

Eastside LEADS Comment Letter - BHCPU Draft EIR

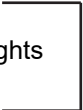
3 messages

Katie McKeon <kmckeon@publiccounsel.org>
To: "boyleheightsplan@lacity.org" <boyleheightsplan@lacity.org>
Cc: Pamela Agustin-Anguiano <pamela@eastsideleads.org>

Tue, Oct 11, 2022 at 4:29 PM

Hi,

Please see the attached letter submitted on behalf of the Eastside LEADS coalition with regards to the Boyle Heights Community Plan Update Draft EIR.



1

Thank you,

Katie J.G. McKeon

(she/her/hers)

Staff Attorney

Community Development Project



Public Counsel

610 S. Ardmore Avenue | Los Angeles, CA 90005

Tel 213.385.2977, ext. 233 | Fax 213.385.9098

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Draft EIR - BHCPU - Eastside LEADS Comment Letter 10.11.2022.pdf 245K

Ernesto Gonzalez <ernesto.a.gonzalez@lacity.org>
To: Katie McKeon <kmckeon@publiccounsel.org>

Tue, Oct 11, 2022 at 4:42 PM

Cc: "boyleheightsplan@lacity.org" <boyleheightsplan@lacity.org>, Pamela Agustin-Anguiano <pamela@eastsideleads.org>

Hello Katie,

Thank you for your comment letter, it has been received and filed.



LOS ANGELES
CITY PLANNING

Ernesto Gonzalez

Pronouns: He, His, Him

Planning Assistant

Los Angeles City Planning

200 N. Spring St., Room 667

Los Angeles, CA 90012

T: (213) 978-1304 | Planning4LA.org



[Quoted text hidden]

Katie McKeon <kmckeon@publiccounsel.org>
To: Ernesto Gonzalez <ernesto.a.gonzalez@lacity.org>

Wed, Oct 12, 2022 at 3:54 PM

Thank you Ernesto!

From: Ernesto Gonzalez <ernesto.a.gonzalez@lacity.org>
Sent: Tuesday, October 11, 2022 4:42 PM
To: Katie McKeon <kmckeon@publiccounsel.org>
Cc: boyleheightsplan@lacity.org; Pamela Agustin-Anguiano <pamela@eastsideleads.org>
Subject: Re: Eastside LEADS Comment Letter - BHCPU Draft EIR

Hello Katie,

Thank you for your comment letter, it has been received and filed.

Ernesto Gonzalez

Pronouns: He, His, Him

Planning Assistant

Los Angeles City Planning

200 N. Spring St., Room 667

Los Angeles, CA 90012

T: (213) 978-1304 | Planning4LA.org

[Quoted text hidden]

October 11, 2022

Attn: Ernesto Gonzalez, City Planner
City of Los Angeles Department of City Planning
200 North Spring Street, Room 667
Los Angeles, CA 90012-2601
Via email to boyleheightsplan@lacity.org

RE: Draft Environmental Impact Report for Boyle Heights Community Plan Update/New Zoning Code for Boyle Heights Community Plan (Case No. ENV-2016-2906-EIR)

Dear Mr. Gonzalez:

On behalf of the Eastside LEADS Coalition – a coalition led by Boyle Heights stakeholders Inner City Struggle, East LA Community Corporation, Community Power Collective, Latino Equality Alliance, Legacy LA, Self Help Graphics & Art, The Wellness Center, along with Alliance for California Traditional Arts and Public Counsel – we submit these comments on the Draft Environmental Impact Report (“DEIR”)¹ for the Draft Boyle Heights Community Plan Update (hereinafter the “Draft Plan” or “Plan”).²

2

We appreciate the City Planning Department’s dedication to working with community groups, including the Eastside LEADS Coalition, to craft an inclusive and equitable Draft Plan. While the Planning Department has incorporated several of our suggestions into a recently updated Draft Plan, the DEIR has several shortcomings that need to be addressed before the Plan can be adopted.

1. More environmental analysis needs to be done before considering the introduction of mix-use housing and commercial uses along the LA River

One of the main purposes of the DEIR is to examine the potential environmental effects of the Draft Plan and to offer alternatives for the consideration of decision makers. The DEIR provides a brief description of three possible alternatives to the Draft Plan, and then identifies Alternative 3 as the “Environmentally Superior” alternative.³ If Alternative 3 is selected, it would change the

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¹ Los Angeles Department of City Planning, “Draft Environmental Impact Report: Boyle Heights Community Plan Update” (July 2022), available at https://planning.lacity.org/eir/BoyleHeightsCPU/sections/Consolidated_BHCPU_DEIR_FINAL.pdf (hereinafter referenced as “DEIR”).

² Los Angeles Department of City Planning, “Boyle Heights Community Plan: Draft Plan - Adoption Pending” (Summer 2022), available at https://planning.lacity.org/odocument/f96d5982-f9f0-4f72-a62e-478d1a4fa383/Boyle_Heights_CPU_2022.pdf (hereinafter referenced as “Draft Plan”).

³ DEIR 2.0-10.

land use designations along the LA River in Boyle Heights from industrial to light industrial, community center and hybrid industrial.⁴

While the Hybrid Industrial designation would apply only to the area between 3rd Street and 6th Street and from Mission Street to Clarence Street, it is targeting an area that is close to the newly opened 6th Street Viaduct. For years residents in Boyle Heights have expressed concern about how the reconstruction of the 6th Street Bridge would increase the gentrification pressures in Boyle Heights and thus lead to more displacement of existing long-time residents. This concern is exemplified by recent real estate listings in Boyle Heights which highlight proximity to the new 6th Street Bridge and to Downtown Los Angeles, listing them as assets to prospective buyers.⁵

It is important that the LA City Planning Department fully analyze the potential impacts that new residential development would have on gentrification, local housing stock, and the detriment it may cause to public services, public health, and greenhouse gas emissions in the area prior to recommending residential development along the LA River. Rather than adopting Alternative 3, the City should follow its own recommendation listed in the Proposed Plan as “Proposed Program 21.”⁶ Program 21 states that an LA River Land Use Study should be done to identify “land use trends and land use alternatives along the Los Angeles River, including an assessment of the impacts that new residential development could have on local housing and employment markets, to inform future planning efforts.”⁷ Such a study must include particular focus on the impact on the residential neighborhoods along Clarence Street, Gless Street and Pecan Street, as they are located next to the proposed Hybrid Industrial area. These neighborhoods would be the most impacted by construction noise, traffic safety, impacts to public services and utilities, and possible disruption to transportation routes during construction in the proposed Hybrid Industrial area.

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While Alternative 3 provides incentives for affordable housing through the proposed Community Plan Implementation Overlay District (“CPIO District”), further discussed below, the proposed level of affordable housing likely will not be enough to prevent further gentrification or to house the number of existing residents who are currently precariously housed in the neighborhood.

⁴ Los Angeles Department of City Planning, “Boyle Heights Community Plan Update: Los Angeles River and Adjacent Land” (Summer 2022), available at https://planning.lacity.org/odocument/64ad6a98-05d8-4386-913a-d4c240c18bc3/202206_BH_Handout7_LA-River.pdf; see also DEIR 2.0-10.

⁵ On October 3, the Neema Group published a listing promoting 3639-3643 Whittier Boulevard property to prospective buyers as “...rapidly gentrifying and ideally located with a short commute to Downtown Los Angeles and the San Gabriel Valley. The Boyle Heights neighborhood remains a strong area to invest in as 75% of their roughly 95,000 residents choose to rent.” Marcus & Millichap: The Neema Group, “3639 Whittier Blvd., Los Angeles, CA 90023”, at 5, <https://www.theneemagroup.com/wp-content/uploads/2022/09/3639-3643-Whittier-St-OM.pdf>.

⁶ Draft Plan at 56.

⁷ Id.

3

Further, significant analysis needs to be done on the environmental effects of constructing residential units in an area that has traditionally seen heavy industrial use. Boyle Heights’ residents need to know the level of environmental degradation in the LA River area, and the remediation steps that the City will take or require, before the City can even consider introducing housing in the area. While we understand that the growth of the housing stock is a primary objective of the Draft Plan, it cannot be at the expense of the health of future residents.

2. The DEIR does not adequately address the potential impacts of the CPIO District on Boyle Heights’ population or the heightened risk of gentrification and displacement given current demographics

The Draft Plan includes a new program, titled the Community Plan Implementation Overlay District (“CPIO District”)⁸, which provides incentives to developers, such as increased density allowances, in exchange for a set of on-site affordable housing units in new residential projects. This critical program will result in the production of badly needed affordable housing units, which will largely be produced by the private market without public subsidies. However, construction and development of new residential units in Boyle Heights, especially in the form of mixed-income developments, may result in increased gentrification and displacement of existing Boyle Heights’ residents. These risks are not properly delineated and analyzed in the DEIR. The following changes to the CPIO District are needed to mitigate the risks of displacement.

4

a. Add an acutely low income option to the CPIO District

Currently, the proposed CPIO District offers developers a range of affordable housing options to choose from, with the deepest affordable housing option set at extremely low income (30% of Area Median Income (AMI)). However, a deeper affordable housing option should be added to the CPIO District in order to avoid further displacement of current Boyle Heights’ residents, set at an acutely low income (ALI) level, or 15% of AMI.⁹ A significant portion of current Boyle Heights residents make 15% of AMI or below, and thus, are the residents most vulnerable to gentrification and displacement pressures.¹⁰

The DEIR’s failure to analyze emissions resulting from the direct and indirect displacement of

⁸ Los Angeles Department of City Planning, “Boyle Heights Community Plan Implementation Overlay District” (Summer 2022), available at https://planning.lacity.org/odocument/5d776546-35a2-48ce-88e4-429eac1a4491/Boyle_Heights_CPIO_Summer_2022_Draft.pdf (“Draft CPIO”) (In the Summer 2020 version of the draft Boyle Heights Community Plan Update, this program was referred to as the Community Benefits Program.).

⁹ In previous correspondence, Eastside LEADS has referenced a need for a deeply low income band in the CPIO District. We have updated this reference to “acutely low income” to be consistent with state guidelines for units affordable to those making 15% AMI.

¹⁰ According to the latest figures published by the City, almost a third of Boyle Heights residents live at or below the federal poverty line, which roughly lines up to the acutely low income levels for Los Angeles County. These numbers have surely risen in the wake of the COVID-19 pandemic. See City of Los Angeles - Department of City Planning, “2017 Boyle Heights Demographic Profile” (August 6, 2019), available at https://planning.lacity.org/odocument/f09e7f04-93d6-4a5b-9aa4-0cf428397a02/2017_demo_profile_boyle_hts.pdf.

low-income residents violates the California Environmental Quality Act’s (CEQA) mandate to evaluate the physical impacts of a project. If a project has an economic or social effect which in turn causes a physical change, such as an impact on air quality or greenhouse gas emissions, that physical change may be a significant environmental impact.¹¹ Low-income people are the vast majority of riders of public transit. In a 2022 survey of bus riders, Metro estimated that nearly eighty-five percent (85%) of riders have a household income under \$50,000, with nearly forty percent (40%) of riders having a household income under \$15,000.¹² Without an increase in ALI units in Boyle Heights, low-income residents who currently use transit, or will likely use transit in the future, will continue to be displaced to far flung communities, resulting in an increase in vehicle miles traveled (“VMT”) and resulting greenhouse gas emissions.

The CPIO District has the potential to add desperately needed affordable housing units to Boyle Heights, but the neighborhood needs residential units that are actually affordable to current residents to achieve our environmental goals.

4

b. Ensure that larger units are placed equitably within new developments

The DEIR does not include information about the typical household size in Boyle Heights (or in the City of Los Angeles). It also does not include information about rates of overcrowding, or the rates of multi-generational households in Boyle Heights. However, based on our experience working in the neighborhood over many years, a significant percentage of households in Boyle Heights are currently overcrowded, either by choice due to a desire to live in multi-generational households (and a lack of larger housing units), or by necessity due to low wages and high rents. The result is significant overcrowding, along with a mismatch of housing typologies for the existing households of Boyle Heights.

The City implicitly acknowledges these issues by requiring any residential development built under the CPIO District program to have a minimum of thirty percent (30%) of units with two bedrooms or more. However, it is unclear whether these larger units will be affordable units or market rate units. It is imperative that the City is clear with developers about what percentage of these units need to be affordable units – without a clear directive, many larger low-income Boyle Heights households may lose out on desperately needed affordable units that will comfortably house larger and multi-generational households.

¹¹ *Bakersfield Citizens for Local Control v. City of Bakersfield*, 124 Cal. App. 4th 1184, 1205 (2004) (finding that construction of shopping centers would lead to the closure of smaller businesses in the area, which could lead to physical urban decay, a significant environmental impact); see also CEQA Guidelines § 15064(e); *El Dorado Union High Sch. Dist. v. City of Placerville* (1983) 144 Cal. App. 3d 123, 132 (1983) (potential for overcrowding in school could lead to construction of new facilities elsewhere).

¹² ETC Institute, “2022 LA Metro Survey” (2022), available at <https://etcinstitute.com/communityplanning/transportation/la-metro-bus-customer-survey/>.

c. Include more protections to regulate demolitions of rent-stabilized units and mitigate the displacement of low-income residents.

According to the DEIR, Boyle Heights has lost four percent (-4%) of its housing stock from 2010-2016, compared to a housing stock growth of three percent (3%) Citywide during the same time period.¹³ Despite this difference of seven percent (7%), the DEIR does not address how the Draft Plan will address this significant loss of housing in the neighborhood or how, if this trend continues, it will negatively impact the already housing burdened residents of Boyle Heights. Given the neighborhood’s high rate of low-income residents and the fact that a high percentage of the current housing stock is rent stabilized under the Los Angeles Rent Stabilization Ordinance, more needs to be done to protect these naturally occurring affordable units. Furthermore, the DEIR fails to analyze emissions that may result from displacement of low-income residents, as required under CEQA. CEQA requires an evaluation of the physical impacts of a project, including if a project has a social or economic effect which causes a physical change.¹⁴ Displacing low-income households from naturally occurring affordable housing, especially near transit corridors, foreseeably leads to degraded air quality and increased greenhouse gas emissions.

4

In order to mitigate these negative environmental effects, the City should mandate policies and programs that protect rent stabilized units and other affordable units from demolition, especially in the case of speculators who demolish residential units and then wait to develop land parcels in the hopes that the market will continue to raise land values. There are several good proposed policies and programs in the Draft Plan, including ensuring the one for one replacement of residential units in the case of demolition and exploring the creation of a first right of refusal program to allow the return of residents temporarily displaced due to demolition or substantial rehabilitation. However, many of these policies and programs should be mandated, not just encouraged.

For example, Policy LU 1.4 should be amended as follows:

LU 1.4: ~~Discourage~~ **Prohibit** permits from being issued for the demolition of multi-family buildings until a project providing an equivalent or greater number of units is approved.

The Draft Plan should go even further by placing a cap on annual RSO demolitions allowed, ensuring that Boyle Heights does not lose a significant number of RSO units in any given year and allowing the Planning Department to more effectively monitor demolition projects that go forward in order to ensure one for one replacement and right of return policies are implemented

¹³ DEIR at 4.12-4.

¹⁴ *Bakersfield Citizens for Local Control*, 124 Cal. App. 4th at 1205; CEQA Guidelines § 15064(e); *El Dorado Union High Sch. Dist.*, 144 Cal. App. 3d at 132.

properly.

If the City implements many of the proposed policies to encourage the construction of new housing, including through the CPIO District, but fails to ensure that there are mechanisms to mitigate the effects of demolition, there will be significant impacts on the housing stock, as well as significant displacement effects harming the current population of the neighborhood.

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3. The DEIR does not adequately weigh the effects of greenhouse gas emissions caused by proposed development in a historically low income community that has suffered disproportionate levels of environmental harm

The DEIR looks at the effects of the proposed development projected by the Draft Plan on greenhouse gas emissions, and compares these projected emissions to the state standards outlined in CEQA. However, the City has a higher standard for reducing greenhouse gas emissions based on the local adoption of a City-based Green New Deal.¹⁵ The City has also declared a climate emergency, launching a process to address the climate emergency from an equitable point of view. As a result, the proposed remedies to reverse or stop the effects of global warming must be applied in an equitable way, with consideration of the needs of the people who have historically most suffered the impact of global warming.¹⁶

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The Boyle Heights community has a CalEnviro screen score that is one of the highest in the Los Angeles area.¹⁷ As we consider how and what to approve in the Draft Plan, we need to consider the equitable needs of the community and provide benefits to the community that address the harms they have historically suffered from greenhouse gas emissions. It makes no sense to adopt a Draft Plan that does not consider the history of pollution and climate-related harms that have impacted this low-income community of people of color. The Draft Plan, which encourages extensive residential development, must ensure that development addresses the needs of the low income people who live here now, especially their needs for healthy housing options, in response to the climate emergency.

Right now, the Draft Plan offers a CPIO District program that is optional, allowing market rate developers to move into the neighborhood and serve higher income residents, using free market principles. This is not a development plan that addresses the climate needs of the area in an equitable way, particularly because there are no mandatory income targets. We encourage the City to create mandatory affordable housing targets for all development in Boyle Heights.

¹⁵ See Mayor Eric Garcetti, “L.A.’s Green New Deal - Sustainable City PLAN 2019,” available at https://plan.lamayor.org/sites/default/files/pLAN_2019_final.pdf.

¹⁶ See, i.e., City of Los Angeles, Climate Emergency Mobilization Office, “Climate Equity LA,” (2022), available at <https://www.climate4la.org/>.

¹⁷ See California Office of Environmental Health Hazard Assessment, “CalEnviroScreen 4.0” (2022), available at <https://experience.arcgis.com/experience/11d2f52282a54ccebca7428e6184203/>.

Furthermore, past studies demonstrate that when affordable housing is placed near public transit, that residents eliminate their cars and thereby reduce greenhouse gas emissions.¹⁸ Conversely, introduction of more market rate households into a high transit area, especially as it results in the displacement of low-income residents, results in more vehicle miles driven. The DEIR’s simplistic statement that greater density along transit corridors will result in lower greenhouse gas emissions misses this nuance. The City has ample justification to explore stronger, mandatory affordable housing requirements in this climate-impacted neighborhood.

5

Finally, all housing built in the Draft Plan area should meet the higher standards of construction that are commonly met by affordable housing developments, such as LEED standards. Market rate developments often have lower environmental standards than affordable housing, but this foreseeable differentiation in greenhouse gas emissions caused by different developments is not analyzed in the DEIR, nor is it mitigated effectively by requiring more of the foreseeable development to be constructed pursuant to higher environmental standards. This discrepancy should be addressed in the DEIR and addressed with amendments to the Draft Plan.

4. The assumption that more housing and jobs in Boyle Heights will lead to fewer VMT is conclusory

We would like to underscore our concern, referenced in the section above, that the DEIR appears to make the assumption that more housing and projected job growth will result in fewer VMT in the Plan area. This disregards 1) the demographics of the existing Boyle Heights population, and 2) the types of jobs that the Plan aims to bring to the neighborhood. First, the existing Boyle Heights population is predominantly low-income Latinx individuals and households. Many of these working individuals have to commute to work across Los Angeles County, and have largely not reaped the benefits of remote work caused by the pandemic.¹⁹ Second, much of the proposed job growth will likely be in “green tech” jobs in the proposed Hybrid Industrial area along the LA River. These jobs, generally in the bioscience industry, typically require advanced degrees and will be inaccessible to the vast majority of current Boyle Heights’ residents. Therefore, even an increase in housing along the transit corridors does not necessarily translate to fewer VMT if there is 1) a housing-jobs mismatch, and 2) a displacement of current low-income transit riders who are replaced by higher income residents who traditionally do not use

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¹⁸ Stephanie Pollack, Barry Bluestone & Chase Billingham, Dukakis Center for Urban and Regional Policy at Northeastern University, “Maintaining Diversity In America’s Transit-Rich Neighborhoods: Tools for Equitable Neighborhood Change” (Oct. 2010), available at http://www.northeastern.edu/dukakiscenter/wp-content/uploads/2011/12/TRN_Equity_final.pdf; Alliance for Community Transit-Los Angeles, “Transit for All: Achieving Equity in Transit-Oriented Development” (2015), available at <http://www.allianceforcommunitytransit.org/wp-content/uploads/2015/02/ACT-LA-Transit-for-All-Achieving-Equity-in-Transit-Oriented-Development.pdf>.

¹⁹ Elise Gould, Jori Kandra, Economic Policy Institute, “Only one in five workers are working from home due to COVID: Black and Hispanic workers are less likely to be able to telework,” available at <https://www.epi.org/blog/only-one-in-five-workers-are-working-from-home-due-to-covid-black-and-hispanic-workers-are-less-likely-to-be-able-to-telework/>.

public transit.

6

5. The significant deterioration of public services as identified in the DEIR requires more analysis and action by the City

According to the DEIR chapter on public services and recreation,²⁰ the current and future residents of Boyle Heights should expect to have significantly deteriorated public services in the coming decades. Boyle Heights’ residents should expect significantly deteriorated library services as well as an increased deficit of park and open space. While the DEIR acknowledges that these impacts are significant, it also comes to a conclusory statement that these impacts are unavoidable.

7

The DEIR identifies the current park and open space in Boyle Heights, concluding that approximately five percent (5%) of land in the neighborhood is a park or open space. According to the 2016 Los Angeles County Parks Need Assessment, Boyle Heights is a “Very High” park needs neighborhood.²¹ The DEIR summarily concludes that with the increased population projected, there will be “substantial physical deterioration” of existing facilities that “would occur or be accelerated.”²² However, the DEIR does not provide an analysis of the baseline deterioration of existing parks and open space, nor does it analyze how the increased population would result in accelerated deterioration. Without an adequate baseline of information, the City’s conclusion that the impact is significant and unavoidable is wholly unsupported.

The DEIR also states that much of the foreseeable increase in the development of open space will be along the River, identifying the Sixth Street Viaduct, the Sixth Street Park, River, Arts & Connectivity (PARC) Project, and the LA River Revitalization Master Plan as major sources of new open and park space.²³ However, the DEIR also considers a significantly different proposal for the land along the LA River, determining that introduction of housing along the LA River would be the “environmentally superior alternative”, referenced as Alternative 3.²⁴ However, the introduction of housing along the LA River would necessarily reduce the single greatest source of available land for open and park space currently identified in the DEIR, even further starving the community from much needed recreation space. If the City adopts Alternative 3, it must determine the impacts of reducing the available space for recreation and mitigate the effects to ensure that this community does not continue to suffer the effects of being park-poor.

8

²⁰ DEIR Chapter 4.13.

²¹ <https://lacountyparkneeds.org/wp-content/uploads/2016/06/FinalReport.pdf> 3-71.

²² DEIR 4.13-70.

²³ DEIR 4.13-70.

²⁴ DEIR 2.0-11-13.

6. The DEIR does not adequately analyze the potential gentrification and displacement effects on local small businesses

The Draft Plan anticipates significant development along the transit corridors throughout Boyle Heights, especially as residential developments incentivized through the CPIO District program are built. While the creation of affordable housing is an important goal, increased development runs the risk of increased displacement of local legacy businesses that have anchored these transit corridors for decades. Local, community serving businesses are a crucial part of the fabric of Boyle Heights, providing important resources to local community members and creating local wealth and employment opportunities for residents. It is essential that the City do everything within its power to support these local businesses.

9

Given that the Draft Plan covers a community where residents face losses of community assets like legacy small businesses, especially in the wake of the COVID-19 pandemic and rising gentrification, the DEIR fails to conduct an analysis of gentrification and displacement that might result in physical changes to the environment. To that end, the City should provide technical assistance and financial resources to local small businesses and the associations that represent them, such as the First Street Business Association. These resources can support small businesses with necessary upgrades to their buildings and equipment, accessing legal support to assist in preserving, restructuring or expanding their businesses, and recovering from the COVID-19 pandemic.

7. The Draft Plan needs to better preserve and protect the existing cultural resources, and the existing residents who make culture, in Boyle Heights

In response to early drafts of the Draft Plan, we hosted a membership retreat to create community centered definitions of three key focuses of the Plan. This retreat was led by the Alliance for California Traditional Arts (ACTA), composed of experts in the field of culturally centered convening methods. ACTA facilitated a process to synthesize the collective understanding, wisdom, and vision of the coalition to arrive at the following guiding definitions:

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CULTURE is a set of generational shared practices and processes of our community that create values to help us establish a criteria for what is just.

WELLNESS is the collective actively pursued goal of being in the right relationship with our physical, mental, spiritual and social health.

UTILITY is the creation of resources that support the flourishing of a community for the benefit of many generations based on existing shared cultural practices and collective values.

Using these definitions as a foundation, we developed a Consulta Cultural, or community consultation, centering the current residents of Boyle Heights and their shared understanding of

what is valuable culturally. This community based participatory research method yielded approximately 200 interviews (written and/or audio recorded), spanning many generations of Boyle Heights residents. The responses represent important foundational shared cultural values of the Boyle Heights community. We have divided these findings into two themes:

1. **Cultural Ecosystem:** Leading with the understanding that Boyle Heights is largely a Mexican neighborhood and still not a monolith. Boyle Heights is a diverse neighborhood with a rich cultural history and present cultural vibrancy. Our intention is to center the people who are currently living and contributing to this cultural ecosystem. These were common cultural ecosystem themes raised in the interviews:

- Language
- Music (Mariachi, Banda, Norteña, Son Jarocho, Corridos, Grupero, Cumbia, Bolero)
- Celebrations (Dia de Los Muertos, Santa Cecilia, Guadalupe, 16 de sept)
- Foodways (Puebla, Oaxaca, Jalisco, Mexico City, Baja California, Chihuahua)
- Dance (Folklorico, Danzon, Fandango, Cumbia)
- Generational interaction (Respect for elders as culture bearers)
- Wellness practices (healing modalities: i.e. curanderas, sobadoras, hierberas)
- Spirituality
- Ways of learning/teaching, systems of transference, culturally sustainable pedagogies

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2. **Cultural Economy:** The understanding that our cultural traditions/practices are part of a larger understanding of agreeing on what is beautiful, delicious, aesthetically pleasing and or useful. Based on these shared understandings, there are very natural ways in which individuals and collectives create economic opportunities for themselves and their families. These were common cultural economy themes raised in the interviews:

- Solidarity Economy
- Broad participation
- Sustainability practices
- Environmental impact
- Community facing
- Investing into the Viability of a cultural ecosystem
- Lending Circles
- Growing food/Food sources
- Street Vending

Mariachi Plaza is the perfect example of how irresponsible and harmful development practices can negatively impact the social fabric of a community. Mariachis founded Mariachi Plaza in the correct cultural context according to the shared aesthetics of the community. In Mexico and Latin America, there is a long history of Mariachis finding work on plazas. This same practice of cultural placemaking has migrated across time and space and is woven into the social fabric of Boyle Heights. Unfortunately, a series of developments have crippled the once vibrant culture on the plaza. Very little has been done to hold space for engagement with the broader Mariachi community to better understand how their cultural practice exists on the plaza and what could be done to support the thriving of this culture into the future. Without required community engagement processes, held with professional interpretation services and with materials

professionally translated, the Draft Plan will result in the displacement of the residents of Boyle Heights who make it a cultural hub of the City.

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We look forward to continued conversations with the City and the LA Planning Department as we continue the very important work of updating the Boyle Heights Community Plan. It is desperately needed, but it must be done with the ultimate goal of investing in Boyle Heights and its current residents without displacement.

11

Eastside LEADS Coalition

Letter 11 **Eastside LEADS Coalition**
Katie McKeon
610 S. Ardmore Avenue
Los Angeles, CA 90005

Response 11-1

The commenter states that the Eastside LEADS Coalition comment letter is attached. The letter was received and is responded to below.

Response 11-2

The commenter provides an introduction to the Eastside LEADS Coalition. This background is noted. No further response is required.

Response 11-3

The commenter states concern regarding the analysis of Alternative 3 and the finding that it is the environmentally superior alternative. For concerns related to gentrification, Refer to **Master Response 2, Displacement and Gentrification**. As discussed in Master Response 2, displacement is addressed in Section 4.12, Population and Housing, under Impact 4.12-2, of the Draft EIR, which evaluates potential displacement. The EIR analysis considers indicators of displacement risk (e.g., increasing land value), but there is no clear methodology to quantify displacement, or how, where, and to what extent displacement would occur. The EIR analyzes the potential for displacement to occur throughout the CPA and identifies the measures the City has taken to reduce gentrification such as through the Community Benefits Program. While it may be possible for development pressure to increase within the River area as a result of allowing housing development, these changes would be paired with the City's programs and policies aimed at reducing displacement. Further, to anticipate the amount or degree to which gentrification could occur in Alternative 3 compared to the Proposal Plan would be speculative as there is no accepted methodology for such an analysis.

Section 15126.6 of the *State CEQA Guidelines* requires that an EIR must examine a range of reasonable alternatives to the Proposed Plan that would attain most of the basic project objectives but would avoid or substantially lessen any of its significant environmental effects. EIR alternatives are required to focus on alternatives that reduce or avoid the significant environmental impacts of the Proposed Plan and feasibly attain the underlying purpose of the project and most of the Proposed Plan's primary and secondary objectives.

Alternative 3 was included based on public input on the Proposed Plan to consider mixed-use development along the western portion of the CPA near the Los Angeles River. As discussed on page 5.0-43 of Chapter 5.0, Alternatives, of the Draft EIR, Alternative 3 would result in 3,000 more housing units (9%), 9,000 more

persons (8%), and 1,000 fewer jobs (-3%) by 2040 as compared to the Proposed Plan and it would meet all of the main project objectives, although some to a lesser or greater degree than the Proposed Plan. As analyzed under Population and Housing, the increased growth would further several of SCAG's regional goals to provide additional housing within proximity to transit, and would not result in displacement, as it would accommodate housing in an area that does not have residential uses currently. Further, construction of additional housing would offset displacement of existing housing throughout the City.

Program 21 is a City recommended policy to conduct a study of land use trends and land use alternatives along the Los Angeles River, including an assessment of the impacts that new residential development could have on local housing and employment markets, to inform future planning efforts. This program is contained within the Implementation Program of the Proposed Plan.

As stated on page 5.0-81 of the EIR:

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

While Alternative 3 is one potential land use scenario that would reduce some impacts, the City acknowledges it would have other impacts. For example, Alternative 3 would result in more development within the River area potentially putting a greater strain on infrastructure. In addition, as urban areas become denser, as would occur under the Proposed Plan or Alternative 3, urban infrastructure is used more:

- Water and sewer lines are required to carry more, potentially greater than the current capacity, which could result in the need to construct additional capacity in the older infill areas at significant cost.
- Demand for police and fire services increases requiring expansion of existing stations and service personnel (although significant environmental impacts are not anticipated from such construction).
- Parks are used more, resulting in potential crowding and/or over use, with facilities becoming worn and substandard (grass becomes over used and dies, equipment breaks, etc.) and/or the need to construct more parks and recreational facilities.

Furthermore, as more people are located in the same area, urban impacts increase. Congestion increases, noise and air emissions in proximity to sensitive receptors (residences, schools, hospitals, etc.) also increase.

However, as for under the Proposed Plan, under any of the alternatives, mitigation measures would be incorporated to reduce the potential impacts related to hazardous materials, including those necessary to address air quality. Noise mitigation measures would also be applied. These measures would be applied at the project level and would reduce potential impacts related to Alternative 3. *State CEQA Guidelines* Section 15126.6 states that the evaluation of alternatives should include sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the Proposed Plan. A matrix displaying the major characteristics and significant environmental effects of each alternative may be used to summarize the comparison. If an alternative would cause one or more significant effects in addition to those that would be caused by the project as proposed, the significant effects of the alternative shall be discussed, but in less detail than the significant effects of the Proposed Plan. No additional analysis of this alternative is necessary.

Response 11-4

The commenter states that the DEIR does not adequately address the potential impacts of the CPIO District on Boyle Heights' population, or the heightened risk of gentrification and displacement given current demographics. Refer to **Master Response 2: Displacement and Gentrification**.

The commenter requests to add an acutely low income (ALU) option to the CPIO District for those with incomes 15% of AMI. The commenter also requests to analyze the emissions resulting from the displacement of low-income residents, which may result in increased VMT.

The Boyle Heights Community Plan contains policies to ensure that a range of household incomes are accommodated through new development. Policy LU 1.2 incentivizes new development to contribute towards the community's extremely-low, very-low, and low-income housing needs. Extremely low-income is inclusive of households with incomes of 15% AMI. Further, at the City Planning Commission hearing

held on April 20, 2023, the Commission recommended the addition of a 10% Acutely Low Income category to the Community Benefits Program.

As discussed under **Master Response 2: Displacement and Gentrification**, displacement of housing requiring construction of new housing elsewhere to replace the displaced housing is not anticipated. For these reasons, although the air quality and GHG analyses consider displacement generally, any attempt to predict with any greater degree of certainty which affordable housing units might be displaced through 2040 and where displaced residents may live would be speculative. However, the Boyle Heights Community Plan is expected to provide more housing near areas well-served by public transit and areas where walking and biking are encouraged, thus having the overall effect of reducing per capita emissions of air pollutants and GHGs. As discussed in EIR Section 4.2, future daily regional emissions associated with implementation of the Boyle Heights Community Plan are generally expected to decrease relative to existing conditions due largely to improvements in vehicular engine efficiency technologies and fuel pollutant concentrations, resulting from more stringent statewide regulations, that are projected to occur between existing conditions and 2040. Furthermore, EIR Section 4.7 discusses how implementation of the Boyle Heights Community Plan would result in a 39% decrease in per capita GHG emissions due to a combination of state-mandated GHG emission reduction strategies as well as a lower service population VMT resulting from the location of jobs and housing being in close proximity to each other and the creation of substantial opportunities to use transit or other active transportation modes.

The 2010 study conducted by the Dukakis Center for Urban and Regional Policy at Northeastern University aims to understand whether gentrification and displacement are occurring in transit-rich neighborhoods and the underlying mechanisms of changes in these neighborhoods to propose policy tools that could be used to shape equitable neighborhood change. The 2015 study conducted by the Alliance for Community Transit-Los Angeles notes transit-oriented development impacts in Los Angeles and provides suggestions for achieving equity in transit-oriented development. Lastly, the TransForm's Green TRIP Connect tool allows users to calculate how location, affordable housing, and traffic reduction strategies could reduce driving and GHG emissions for a chosen parcel being considered for residential development.

The studies³ mentioned are policy recommendation documents and do not contain tools or methodologies for analysis directly related to emissions, GHGs, or air quality. The methodology referenced in the 2010

³ Pollack et al. 2010. Dukakis Center for Urban and Regional Policy at Northeastern University. "Maintaining Diversity In America's TransitRich Neighborhoods: Tools for Equitable Neighborhood Change." available at: <https://repository.library.northeastern.edu/files/neu:330193/fulltext.pdf>, accessed December 8, 2022; Alliance for Community Transit-Los Angeles. 2015. "Transit for All: Achieving Equity in Transit-Oriented Development." available at: <http://www.allianceforcommunitytransit.org/wp-content/uploads/2015/02/ACT-LA-Transit-for-All-Achieving-Equity-in-Transit-OrientedDevelopment.pdf>, accessed December 8, 2022; TransForm. Green TRIP Connect. available at: <https://connect.greentrip.org/>, accessed December 8, 2022.

Dukakis Center for Urban and Regional Policy at Northeastern University study identifies indicators used to highlight displacement risk; however, there is no clear methodology to quantify displacement, or how, where, and to what extent displacement would occur and connecting the analysis of displacement to impacts on air quality or GHGs for a programmatic EIR. Thus, none of the studies cited by the commenter provide information useful to the quantification of air quality or GHG impacts associated with the Boyle Heights Community Plan.

Green TRIP Connect is a tool for calculating the VMT and GHG emission reductions associated with “smart” locations, affordable housing, and traffic reduction strategies. This tool is not specific to the Boyle Heights Community Plan Area and does not address displacement, while the analysis methods used in the DEIR transportation, GHG, and displacement analyses are specific to the Plan Area and the proposed Boyle Heights Community Plan.

The commenter requests that larger units are placed equitably within new developments. Assembly Bill 491 codifies equal provisions and prohibits mixed-income residential projects from isolating the affordable housing units within the structure to a specific floor or an area on a specific floor. The City of Los Angeles’ Affordable Housing Incentives Guidelines, to implement the State Density Bonus Law, states that affordable dwelling units must be reasonably interspersed among market-rate dwelling units within the same building. In addition, the Boyle Heights Community Plan contains policies to ensure that a range of household sizes are accommodated through new development. Policy LU 3.2, which encourage multi-unit housing developments to provide a diverse range of unit types and unit sizes including those suitable for larger households, single room occupants, independent seniors, and affordable fee simple ownership.

The commenter requests that the Boyle Heights Community Plan include more protections to regulate demolitions of rent-stabilized units and mitigate the displacement of low-income residents. As discussed under **Master Response 2: Displacement and Gentrification**, the Housing Crisis Act and the inclusion of the No Net Loss Program and the Right to Return Program in the Boyle Heights Community Plan, which will curb displacement. The CPIO’s Community Benefits Program will generate affordable housing in new development for all income levels and all new development in the Boyle Heights Community Plan Area will remain subject to the Affordable Housing Linkage Fee program. As described in the EIR under Threshold 4.12-2, displacement is not anticipated. Further, the Boyle Heights Community Plan is expected to provide more housing near areas well-served by public transit and areas where walking and biking are encouraged, thus having the overall effect of reducing per capita emissions of air pollutants and GHGs.

The commenter requests amendments of the language of the policies contained Draft Boyle Heights Community Plan to mandate rather than encourage anti displacement strategies. Additionally, the commenter requests that the Draft Plan place a cap on the annual RSO demolitions required.

Please see **Master Response 1: General Comments and Non-CEQA Issues**. The request for amendments to the language of the policies contained within the Draft Boyle Heights Community Plan to mandate anti-displacement strategies expresses an opinion related to the City policies and Proposed Plan and does not relate to the adequacy of the analysis included in the EIR. The commenter's statements will be forwarded to the decision-makers for their consideration prior to taking any action on the Proposed Plan.

Response 11-5

The commenter states that the DEIR does not adequately weigh the effects of greenhouse gas emissions caused by the proposed development in a historically low-income community with high levels of environmental pollutants. The commenter also requests for the DEIR to use the City's higher standard for reducing greenhouse gas emissions.

Per *State CEQA Guidelines*, Lead Agencies should consider these factors when assessing the significance of GHG emissions: 1) the extent to which the project may increase or reduce GHG emissions as compared to the existing environmental setting; 2) whether the project emissions exceed a threshold of significance that the lead agency determines applies to the project; and, 3) the extent to which the project complies with regulations or requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of GHG emissions.

The City's Sustainable City pLAn (Green New Deal) is the City's sustainability planning document that embraces both short- and long-term goals to improve equity, the City's economy, and the environment. Table 4.7-13 in *Section 4.7, Green House Gas Emissions* compares how the Boyle Heights Community Plan compares with the Green New Deal objectives. The Boyle Heights Community Plan is consistent with all objectives. The City's Green New Deal established targets to reduce GHGs to 50% below 1990 levels by 2025; 73% below 1990 levels by 2035; and becoming carbon neutral by 2050. As described in the DEIR, the per capita GHG emissions are conservatively projected to decrease approximately 15%, however, this does not account for commitments established in L.A.'s Green New Deal. These strategies would decrease emissions by over one third.

The Boyle Heights Community Plan aims to facilitate the use of transit and non-motorized transportation by increasing commercial and residential development potential in areas near the Metro L Line Pico/Aliso, Mariachi Plaza, Soto, and Indiana light rail stations. By improving mobility and accessibility to transit, the Proposed Plan supports reductions in VMT and ultimately GHG emissions. While total daily VMT would increase from existing conditions to 2040 with Proposed Plan conditions, per capita VMT would decrease from 33.9 to 21.6 VMT per capita daily.

The commenter requests for the Draft Boyle Heights Community Plan to consider historically impacted communities and create mandatory affordable housing requirements. Please see **Master Response 1: General Comments and Non-CEQA Issues**. The request to create a mandatory affordable housing program comment expresses an opinion related to the City policies and Proposed Plan and does not relate to the adequacy of the analysis included in the EIR. The commenter's statements will be forwarded to the decision-makers for their consideration prior to taking any action on the Proposed Plan.

The commenter states that the DEIR's statement that greater density along transit corridors will result in lower greenhouse gas emissions is simplistic. The commenter expresses an opinion that all housing in the CPA should be built to LEED standards and provides a statement that market rate housing is built to lower environmental standards than affordable housing but does not provide evidence to support this statement. At this time, it is speculative to anticipate the location of affordable and market rate housing at the Community Plan level, as well as to conduct any analysis that would quantify the potential distinction between housing types. This analysis is beyond the scope of the programmatic EIR.

The analysis contained within the EIR is conservative in that it does not account for many of the more stringent environmental laws that are likely to occur in the future, such as increased Title 24 standards, but instead assumes projects would be built to today's standards incorporating Title 24. Area source emissions related to existing and future demand for water, wastewater treatment and conveyance, solid waste disposal, and energy were estimated using the calculation methodologies developed for the California Emissions Estimator Model (CalEEMod). Energy emissions estimates take into account California's Renewable Portfolio Standard (RPS) requiring retail sellers of electric services to increase procurement from eligible renewable energy resources to 60% by 2030 per SB 100. CalEEMod currently uses a carbon intensity factor for LADWP from reporting year 2007 and does not take into account utility compliance with RPS standards over time. CalEEMod not distinguish between affordable and market rate housing. All development, both affordable and market rate, will be subject to the California Green Building Code (California Code of Regulations Title 24), which includes mandatory planning and design, energy efficiency, water efficiency and conservation, material conservation and resources efficiency, and environmental quality measures. It is true that some projects may be built to higher standards, such as LEED, it would be speculative for the EIR to attempt to discern either the number of affordable or market rate housing projects that could occur over the lifetime of the Plan or which ones might be built to LEED or similar standards.

Response 11-6

The commenter disagrees with the VMT findings in the EIR. The commenter misstates anticipated job growth under the Plan. It is an incorrect assumption that much of the projected job growth in the Plan Area

will be in “green tech.” The Proposed Plan recognizes the diversity of jobs and industries, and aims to provide a mix of housing, jobs, and services that embrace and enhance community identity, and prioritize land uses that support both regional and local jobs. It is true that Plan includes policies that that provide support with establishing small businesses involved in clean and green technology and environmental sciences, but it also encourages uses that integrate indoor agricultural practices and seeks to provide a dynamic concentration of local jobs and “career ladder” jobs. The Light Industrial areas, located primarily along the Los Angeles River aim to preserve and sustain industrial activity and serve as a jobs base, and accommodate a range of industries. Uses include manufacturing, warehouse and distribution, research and development, office, and limited commercial. The Plan also assumes that some job growth will take the form of locally serving jobs to support the increase in population growth.

The commenter misstates the assumptions and methodology for determining VMT for the CPA. The VMT analysis appropriately considers the types of jobs and the population. As stated in the EIR p. 4.14-38:

VMT is a measurement of miles traveled (e.g., private automobiles, trucks and buses) generated by all land uses (e.g., residential, retail, and office). While the total VMT is expected to increase as growth occurs in the Boyle Heights CPA and in the region, a reduction in VMT per capita over time can be used as an indicator of reduced reliance on the automobile. Reducing VMT helps meet the State's goals of reducing GHG emissions, as mandated by AB 32 and SB 375. Any increase in the total number of VMT per capita would be an undesirable outcome of the Proposed Plan and would constitute an impact. VMT was forecasted with the City of Los Angeles TDF model.

For this analysis, VMT is reported as Total Daily VMT per Service Population. The Total Daily VMT per Service Population is the total VMT divided by the number of people living or working within the CPA. This VMT is generated by both Boyle Heights residents and employees within Boyle Heights as well as travel between Boyle Heights and other areas.

The reported VMT results include both personal vehicles and truck VMT. The VMT calculation accounts for internal trip ends and trips that begin or end within the Boyle Heights CPA, as these trips are generated by or attracted to land uses within the Boyle Heights CPA. The travel behavior effects of land use changes in Boyle Heights can be understood by measuring the VMT of trips originating in and/or destined for the Boyle Heights CPA and comparing them to the 2016 Baseline and 2016 SCAG Region outputs.

VMT is calculated by multiplying the vehicle trip length by the number of trips estimated through the Boyle Heights TDF model. VMT takes in consideration population, household, and employment values, as well as travel patterns of origins and destinations, including all of these inputs in the Boyle

Heights and SCAG TDF models, which makes them sensitive to each land use and network scenario tested.

As stated above, the per service population metric captures both workers and residents within the CPA and captures trips that are traveling in and out of the CPA as a function of work.

Response 11-7

The commenter states the analysis of parks in the DEIR is inadequate. Section 4.13.6.1 provides the baseline for existing parks in the CPA—existing parks are identified, their location is provided (see Figure 4.13-4), and each parks' acreage is also provided (see Table 4.13-16). This analysis estimates the number of residents that would be generated by implementation of the Proposed Plan and assesses whether existing and planned public parks and recreational facilities expected to serve the CPA would have sufficient available capacity to accommodate additional users and whether new facilities would need to be constructed, the construction of which would cause significant environmental impacts; and whether the Proposed Plan will result in substantial physical deterioration to park and recreational facilities.

It also should be noted that the need for or deficiency in adequate park and recreation facilities to serve the residents or users of the CPA or the City is not in and of itself a CEQA impact, but a social or economic impact (*City of Hayward v. B'd of Trustees* [2015] 242 Cal.App. 4th 833, 843). To the extent that the Proposed Plan causes a need for additional recreational services and facilities and that results in the construction of new facilities or additions to existing facilities and the impact from that construction results in a potential impact to the environment, which is a CEQA impact that needs to be assessed in this EIR. Additionally, the deterioration of existing recreational facilities and parks caused by the Proposed Plan is a CEQA impact that needs to be assessed in the EIR.

The discussion in the EIR that relates solely to the level of park services provided to the residents or users of the CPA and its surrounding community, including any existing or future needs and deficiencies, is for informational purposes. The ultimate determination of whether there is a significant impact related to park and recreational services is based on whether a significant impact will result from the construction of new or altered park and recreational facilities or where existing park and recreational facilities will be substantially physically deteriorated as a result of the implementation of the Proposed Plan.

To conduct the analysis, the future population is estimated, however, due to the programmatic nature of the EIR, it is not possible to determine the exact timing of projects or when or how existing parks are likely to get used or new parks to get built. As stated on EIR p. 4.13-73:

Existing regulations and Proposed Plan policies would provide funding for the provision of new recreational facilities and some Proposed Plan policies would also support the maintenance of existing facilities. However, as discussed in the Setting, existing and planned parks serving the Boyle Heights Plan Area currently fail to meet the City's goal for neighborhood and community parks; therefore, although recreational needs are often met in different ways in highly urban settings (e.g., use of private gymnasiums and recreational facilities, use of public rights-of-way for walking and jogging), the increase in population accommodated by the Proposed Plan combined with the constraints on new park development in urbanized areas of Los Angeles would be expected to substantially increase demands upon existing recreational facilities. All of the parks listed in **Table 4.13-16** could be adversely affected by the increase in population for the Proposed Plan, which may cause and accelerate deterioration of those existing parks. Impacts related to the deterioration of existing parks would be **potentially significant**.

The EIR provides an appropriate baseline and analysis for this impact.

Response 11-8

The commenter states that Alternative 3 would result in additional public services impacts, specifically related to parks. Alternative 3 would introduce housing along the Los Angeles River waterfront. However, while Alternative 3 would have a greater impact on parks than the Proposed Plan due to an increase in population growth, all other aspects of the Proposed Plan would be implemented as proposed, including the identified new parks. Regardless, as with the Proposed Plan, Alternative 3 would have a significant and unavoidable impact on parks and recreation services, this impact is identified within the Alternatives analysis (p. 5.0-56).

Response 11-9

The comment relates to gentrification. Refer to **Master Response 2: Displacement and Gentrification**. The comment does not identify the potential for new physical environmental impacts not addressed in the EIR, and no specific response is required (Please see **Master Response 1: General Comments and Non-CEQA Issues**). The comment will be included as part of the record and forwarded to the decision-makers for their review and consideration prior to any action being taken on the Proposed Plan.

Response 11-10

The comment relates to community engagement conducted by Eastside LEADS Coalition. Refer to **Master Response 1: General Comments and Non-CEQA Issues**. The comment does not identify the potential for new physical environmental impacts not addressed in the EIR, and no specific response is required. The comment will be included as part of the record and forwarded to the decision-makers for their review and consideration prior to any action being taken on the Proposed Plan.

Response 11-11

The comment is a set of closing remarks and does not present an environmental issue within the meaning of CEQA. No specific response is required. The comment will be included as part of the record and forwarded to the decision-makers for their review and consideration prior to any action being taken on the Proposed Plan.



Boyle Heights Community Plan Update DEIR Comment Letter (ENV-2016-2906-EIR)

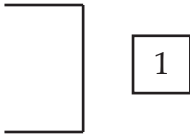
2 messages

Traina, Lauren <LTraina@gibsondunn.com>
To: "boyleheightsplan@lacity.org" <boyleheightsplan@lacity.org>
Cc: "Forbes, Amy R." <AForbes@gibsondunn.com>

Tue, Oct 11, 2022 at 11:43 AM

Hello,

Attached for your attention please find a comment letter to the Boyle Heights Community Plan Update Draft Environmental Impact Report (ENV-2016-2906-EIR).



Thank you,
Lauren Traina

Lauren Traina
(she/her/hers)

GIBSON DUNN

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5928K

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To: "Traina, Lauren" <LTraina@gibsondunn.com>
Cc: "boyleheightsplan@lacity.org" <boyleheightsplan@lacity.org>, "Forbes, Amy R." <AForbes@gibsondunn.com>

Tue, Oct 11, 2022 at 11:47 AM

Hello Lauren,
Thank you for your comment letter, it has been received and filed.

Ernesto Gonzalez



Pronouns: He, His, Him
Planning Assistant
Los Angeles City Planning
200 N. Spring St., Room 667
Los Angeles, CA 90012
T: (213) 978-1304 | Planning4LA.org



October 11, 2022

VIA ELECTRONIC EMAIL (BOYLEHEIGHTSPLAN@LACITY.ORG)

Ernesto Gonzalez
City of Los Angeles Department of City Planning
200 North Spring Street, Room 667
Los Angeles, CA 90012

Re: Boyle Heights Community Plan Update (the “Community Plan”) Draft
Environmental Impact Report (ENV-2016-2906-EIR) (the “DEIR”)

Dear Mr. Gonzalez:

On behalf of an affiliate of Fifteen Group, the current owner of the Wyvernwood Garden Apartments, located at 2901 East Olympic Boulevard, in Boyle Heights (“Wyvernwood”), we submit this comment letter to the DEIR in strong opposition to the City’s cursory dismissal of the redevelopment of Wyvernwood as an alternative requiring analysis in the DEIR.

2

The determination to summarily reject the Wyvernwood alternative is not supported by substantial evidence, and indeed is directly contradicted by evidence in the record, including the DEIR. An EIR prepared by the City for a previously proposed project at Wyvernwood supports the conclusion that redevelopment is feasible, and that the primary adverse impact was on historic resources. Since the DEIR acknowledges that the Community Plan will have significant, unavoidable, adverse impacts on historic resources, the Wyvernwood project has demonstrated impacts that are no worse than the proposed Project, and similar to the other alternatives that were analyzed in great detail. Wyvernwood also has many positive impacts that would help the City achieve the Community Plan’s articulated goals. The failure to analyze a Wyvernwood redevelopment alternative renders the DEIR out of compliance with the California Environmental Quality Act (“CEQA”). The EIR must be revised to include a new alternative that considers the Wyvernwood redevelopment in good faith, and recirculated to the public for review.

3

As the DEIR notes, Wyvernwood “is currently developed with over 1,000 housing units and over the last few decades has seen redevelopment interest.” Indeed the ownership spent almost a decade, and millions of dollars, trying to redevelop the property to include 4,400 housing units, of which 880 would be covenanted affordable housing, all without displacing current residents who wanted to remain. The project ultimately ran afoul of a corrupt City Councilperson who refused to support the Wyvernwood project, when the developer declined to respond to his illicit requests. Now the City has a chance to create significant housing, and yet it has refused to even analyze that possibility.

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The nearly 70-acre Wyvernwood property is unique in that it has single ownership, and an owner that is keenly interested in developing new housing. And yet, even though the DEIR analyzed other alternatives that contemplated more development than the project itself, and indeed selected such an alternative as the “Environmentally Superior Alternative”, noting that it had “the added benefit of increased housing for the region,” the DEIR didn’t even look at the possibility of including new development at Wyvernwood.

Unlike the other speculative housing projects included in the vast sweep of the Community Plan’s upzoning, Wyvernwood has an owner ready, willing, and able to implement a project that would provide affordable, rental, and for-sale units to Boyle Heights, as well as new commercial, retail, and open space amenities for its residents and the surrounding neighborhoods.

The project proposed by Fifteen Group is further detailed in the slide decks attached hereto as Exhibit A and Exhibit B (collectively, the “Redevelopment”), which are both incorporated herein by reference. The Redevelopment was originally proposed to include 4,400 new rental and for-sale residential units, 300,000 square feet of new commercial and office space, 25,000 square feet of new civic space, 11.7 acres of public parks, and 26.75 acres of yards, courtyards, and other open space. A minimum of 1,200 of the new units would be offered for rent, and would include 880 **new, covenanted, affordable** units for low and very-low income tenants, with the remainder of the units offered at market rates that are appropriate for the community, with specific provisions in place to protect existing tenants. The proposed Redevelopment would result in **no** displacement of existing Wyvernwood residents because existing residents would be given priority to rent a new unit at the same rate as their existing apartment in the new development.

Fifteen Group attended over 100 meetings with neighbors, residents, and community leaders, and expended countless hours and resources designing a project that best fits the needs of the Boyle Heights community. The development was widely approved by members of the community, with over 1,000 residents signing in support of the project, including the majority of current tenants at the Wyvernwood Garden Apartments. The environmental impacts of the Redevelopment were also studied in detail in an EIR prepared by the City: (See: Boyle Heights Mixed-Use Community Project Final EIR, State Clearinghouse No.: 2008061123) (the “Wyvernwood EIR”), which is incorporated herein in its entirety by this reference.

The DEIR fails to adequately analyze the Redevelopment as a feasible alternative for the development of additional housing in the Community Plan Area as required under the CEQA, and inaccurately concludes that the Redevelopment is inconsistent with the primary objectives of the Community Plan Update. The Redevelopment supports the vast majority of the primary objectives of the Community Plan Update, as well as many of the land use goals

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set forth in the Community Plan Update and the City's 2021-2019 Housing Element (the "Housing Element").

1. The DEIR fails to sufficiently analyze the Redevelopment as a feasible alternative.

The Community Plan Update states that Boyle Heights will require an additional 5,000 residential units based on the SCAG 2040 Growth Forecast, and has a “reasonably anticipated development” of 11,000 housing units in Boyle Heights by 2040. However, the Community Plan Update and the DEIR inexplicably assume that the vast majority of new housing in the Community Plan Area will be constructed on a number of parcels near two existing Metro stations, which will be re-zoned to allow for higher housing densities. This assumption is made without any analysis of the current uses of the identified properties, the current owners of said properties, or whether there is any inclination or ability to assemble development sites in order to redevelop these properties for high-density residential use. Wyvernwood, by contrast, is owned by a single developer who is willing and able to redevelop Wyvernwood for high-density affordable housing purposes, and who has put extensive time, money, and effort into designing a feasible project that has received high praise and support from the community. Yet, the City makes no acknowledgement of these facts, and fails to analyze the Redevelopment as a reasonable alternative site for additional housing development in the DEIR.

An environmental impact report prepared pursuant to the CEQA must “describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain *most* of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives.... The range of potential alternatives to the proposed project shall include those that feasibly accomplish *most* of the basic objectives of the project and could avoid or substantially lessen one or more of the significant effects.” Cal. Code Regs. Tit. 14 § 15126.6 (emphasis added).

“ “[A]n agency may abuse its discretion under CEQA either by failing to proceed in the manner CEQA provides or by reaching factual conclusions unsupported by substantial evidence.” (Banning Ranch Conservancy v. City of Newport Beach (2017) 2 Cal.5th 918, 935, 216 Cal.Rptr.3d 306, 392 P.3d 455.) Save the Hill Grp. v. City of Livermore, 76 Cal.App.5th 1092, 1103 (Cal. Ct. App. 2022)

Potential redevelopment at Wyvernwood is mentioned only once in the entirety of the DEIR, as follows:

One Alternative that was considered but rejected was land use and zoning changes for the existing Wyvernwood Garden Apartments site. The site is currently developed with over 1,000 housing units and over the last few decades has seen redevelopment interest.

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Due to the large size of the site and the relatively low density of the existing development, zoning and land use changes to accommodate more housing on this site could meet plan objectives to accommodate more housing in the Plan Area. However, this site is also home to several thousand residents and the existing housing stock is subject to the Rent Stabilization Ordinance. In addition, this site is located farther from fixed rail transit and closer to industrial uses, therefore, there are many Project Objectives that this Alternative would not meet. This Alternative would not be consistent with several of the Proposed Plan's primary objectives, including maintaining existing affordable housing units, and preserving community character and neighborhood identity by strengthening and maintaining the traditional character of notable residential neighborhoods.

This brief reference lacks any substantive analysis of the comparative merits of the Redevelopment, as it inaccurately concludes that the Redevelopment is inconsistent with the primary objectives of the Community Plan Update without any evidence in support of such a position. In reality, the City has been presented with extensive and compelling documentation demonstrating that the Redevelopment does meet most of the Community Plan Update's primary objectives. Thus, CEQA requires a fulsome and detailed analysis of the Redevelopment as a feasible alternative to the City's current housing plan for the Community Plan Area.

Courts have consistently held that the "evaluation of projective alternatives and mitigation measures is '[t]he core of an EIR.'" (Banning Ranch Conservancy v. City of Newport Beach, 2 Cal. 5th 918, 937 (2017) (quoting Citizens of Goleta Valley v. Board of Supervisors, 52 Cal. 3d at 564 (1990)). Further, with respect to the analysis of alternatives, "[t]he data in an EIR must not only be sufficient in quantity, it must be presented in a manner calculated to adequately inform the public and decision makers, who may not be previously familiar with the details of a project. '[I]nformation scattered here and there in EIR appendices or a report buried in an appendix, is not substitute for a good faith reasoned analysis.'" Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova, 40 Cal. 4th 412 (2007) (quoting California Oak Foundation v. City of Santa Clarita, 133 Cal. App. 4th 1219 (2005) [internal quotations omitted]). The City's cursory reference to the Redevelopment in the DEIR lacks a good faith, reasoned analysis of the feasibility of the alternative. Further, the description fails to inform the public and decisionmakers of the details of the project in a manner sufficient to make a reasoned judgment about the Redevelopment as a potential site for future housing. It fails to even mention the many years, and detailed planning effort that has been undertaken with respect to Wyvernwood. Thus, the DEIR must be revised to include a fulsome analysis of the Redevelopment as a feasible alternative site for the construction of additional affordable and market-rate housing in the Community Plan Area.

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2. The Redevelopment is consistent with and in furtherance of the vast majority of the primary objectives of the Community Plan Update.

Further, the DEIR inaccurately concludes that the Redevelopment is inconsistent with many of the primary objectives of the Community Plan Update (each, a “Primary Objective”), which are as follows:

- (1) Accommodate projected population, housing, and employment growth and focus growth into Framework identified centers and corridors located near transit, through a diverse range of housing typologies and income levels to discourage the displacement of existing residents and communities;
- (2) Reduce greenhouse gas emissions and promote enhanced multi-modal transportation opportunities for bicyclists, pedestrians and transit users. Reduce vehicle miles traveled to meet the requirements of Senate Bill 375, Senate Bill 743, and California Assembly Bill 32;
- (3) Maintain existing affordable housing units and promote the creation of more affordable housing units for residents with incomes below the Area Median Income (AMI);
- (4) Strengthen vibrant mixed-use areas near transit that encourage a strong jobs/housing balance and support increased ridership, and walkability;
- (5) Preserve community character and neighborhood identity by strengthening and maintaining traditional character of notable residential and commercial neighborhoods and preserving stable low density neighborhoods;
- (6) Promote a mix of compatible land uses that foster sustainability, equity, and healthy living;
- (7) Support sustainable urban design strategies that positively contribute to an urban tree canopy across the entire plan area and supports publicly accessible open space as the area evolves.

The Redevelopment, as detailed in this letter, the Wyvernwood EIR, and in the attached supporting materials, is consistent with and furthers the vast majority of the Primary Objectives. Although the Redevelopment will result in the demolition of the garden apartments currently located on the site, Fifteen Group has presented compelling evidence confirming that

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retention of the existing buildings would only lead to deteriorating housing conditions for current and future residents. Further, the City is willing to accept other potential impacts to historic and cultural resources within the Community Plan, based on the existence of mitigating view and approval measures that could also be applied to Wyvernwood. Finally, CEQA requires that the City compare and contrast exactly these impacts against the potential benefits of the Redevelopment as a feasible alternative site for the development of additional housing in the Community Plan Area, so that the City's decisionmakers can make a reasoned choice. Instead the City has simply rejected the potential for thousands of new housing units, in contravention of its own articulated goals.

A. The Redevelopment creates additional affordable and rent-stabilized housing units in the Community Plan Area, while resulting in no displacement of current Wyvernwood residents, in a manner consistent with Primary Objectives #1 and #3 and the Housing Element.

The current Wyvernwood Apartments consist of 1,187 market-rate units that are subject to the Rent Stabilization Ordinance. There are currently **no** designated affordable housing units on the site. The Redevelopment would include up to 4,400 residential units for rent or purchase, with up to 880 units being designated for low and very-low income tenants. Therefore, the Redevelopment would **add** 880 new covenanted affordable units to the Community Plan Area, directly in support of both Primary Objective #1 and Primary Objective #3.

The creation of additional housing by the Redevelopment also directly furthers Land Use Goals #1 and #2 of the Community Plan Update, which state:

Land Use Goal #1: New housing developments increase the supply of quality housing that is affordable and accessible to households with income levels that reflect those of the Boyle Heights Community.

Land Use Goal #2: Neighborhoods continue to provide affordable and secure housing to existing and future residents.

Land Use Goal 1.2 of the Community Plan Update further emphasizes that the City should "incentivize new development to contribute towards the community's extremely-low, very-low, and low-income housing need." Similarly, Policy 1.1.7 of the City's Housing Element instructs the City to "[i]ncentivize production of mixed-income and 100% Affordable Housing projects by rezoning for more inclusive development at densities that enable their construction in every geography." The Redevelopment will provide modern, quality housing to members of the Boyle Heights community with varying levels of income, including a significant new inventory of affordable units for low and very-low income families. Thus, both the Community

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Plan Update and the Housing Element support incentivizing the Redevelopment by zoning Wyvernwood for the higher density housing included in the project.

Further, the Redevelopment supports the goal of “discourag[ing] the displacement of existing residents and communities,” as Fifteen Group has committed to a legally binding Resident Retention Plan that would result in **no** displacement of the current Wyvernwood residents. All current Wyvernwood residents would be able to remain on-site during the construction of the Redevelopment, and would have priority access to buy or rent a new unit once construction is completed, including units that have been designated for low and very-low income tenants. Any tenant choosing to rent a new unit would pay the same rent that they are currently paying for their existing apartment at Wyvernwood. Tenants who do not wish to remain at Wyvernwood would receive the maximum relocation payment under the Los Angeles Housing Department policy.

Land Use Goal 1.3 of the Community Plan Update also states that the City should “[e]nsure each recently occupied housing unit demolished as a result of new development is replaced on-site, and offered back to former residents at rent levels previously paid.” Policy 2.1.5 of the Housing Element similarly encourages the City to “[e]xpand the right of first refusal to ensure displaced households may occupy replacement housing units that are comparable in size, location, cost, and rent control protection.” While the Redevelopment is committed and able to meeting these requirements via the Resident Retention Plan, **by contrast**, the DEIR acknowledges that other sites selected for new affordable and market-rate housing **will** likely result in the displacement of current tenants during construction, as the future development of those sites is speculative, and cannot ensure resident retention. Therefore, under CEQA, the City must analyze the Wyvernwood alternative as it could feasibly mitigate one or more adverse impacts of the project by committing to a program that won’t displace residents.

Further, the inclusion of for-sale units in the Redevelopment is directly in support of Objective 2.2 of the Housing Element, which aims to: “[p]romote more affordable ownership opportunities and ownership retention strategies, with an emphasis on stability and wealth building for underserved communities.” The Redevelopment will include condominiums available for purchase at rates appropriate to residents of Boyle Heights.

B. The design of the Redevelopment includes a mix of land uses that are compatible with the surrounding neighborhood, and will foster sustainability, equity, and healthy living, as described in Primary Objective #6, the Community Plan Update, and the Housing Element.

The Redevelopment is proposed to include 300,000 square feet of new retail/office space and 25,000 square feet of civic space, with the goal of creating a new, walkable gathering space

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for the community within and surrounding Wyvernwood. The space could potentially provide much-needed access to new food markets, coffee shops, stores, and a library or community center. Land Use Goal 5.1 of the Community Plan Update emphasizes the importance of such spaces, stating that the City should “[e]nsure that neighborhoods include the education, recreational, and civic facilities necessary for social engagement and empowerment.” Land Use Goal 8.1 also “encourage[s] projects to dedicate ground floor space to uses that generate street level activity, such as neighborhood retail, grocery stores, restaurants, food stands, and local services.” Objective 3.2 of the Housing Element also “[p]romote[s] environmentally sustainable buildings and land use patterns that support a mix of uses, housing for various income levels and provide access to jobs, amenities, services and transportation options,” and Policy 3.2.1 of the Housing Element “[p]romote[s] the integration of housing with other compatible land uses at both the building and neighborhood level.” The Redevelopment also is estimated to bring up to 2,800 new, permanent jobs to the area. Thus, the benefits of the Redevelopment are not intended for only those living in Wyvernwood, but also for the neighborhood and community at large, as is emphasized by Primary Objective #6, the Community Plan Update, and the Housing Element.

Further, the Redevelopment has been designed in a manner to maximize its compatibility with surrounding land uses and the existing neighborhood, including the creation of a new street grid that opens up access to Wyvernwood, and a mix of building heights intended to minimize any disturbance to surrounding neighborhoods. The DEIR’s emphasis on Wyvernwood’s proximity to industrial uses is misplaced, as Wyvernwood is currently operated, and will continue to operate, as a residential site in the vicinity of industrial uses, even absent the Redevelopment. Further, under the current draft of the Community Plan Update, an industrial “buffer zone” will be created, including immediately south of Olympic Boulevard, which will result in “greater distances between traditional heavy industrial uses and nearby residential uses,” including the residential units at Wyvernwood. Therefore, the Community Plan Update already accounts for and mitigates the effects of industrial uses adjacent to Wyvernwood.

C. The Redevelopment would create a new mixed-use community creating opportunities for access by pedestrians, bicyclists, and from nearby transit stops in furtherance of Primary Objectives #2 and #4.

Wyvernwood is located both within a Los Angeles Transit Priority Area and is a Tier 2 Transit Oriented Community, due to its proximity to a number of bus routes, yet the DEIR focuses only on the fact that Wyvernwood is located further from “fixed rail transit.” It is both short-sited and improper for the City to focus the entirety of its transit-oriented development around two Metro stops located within the Community Plan Area, and to otherwise ignore bus service as a viable means of public transport. The Community Plan Area includes not only four Metro stations, but also a vast network of Metro buses and routes operated by other providers, such

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as Montebello transit. Further, the increased public amenities on Wyvernwood via the inclusion of new commercial, retail, civic, and open space uses, will create new opportunities for the public to access the area by foot or by bicycle, and will create a new destination for the community to gather in the existing neighborhood. The addition of new office space and job opportunities at the Redevelopment also has the potential to allow more members of the community to work locally and to decrease commute times. Thus, the Redevelopment will directly contribute to Primary Objectives #2 and #4 by creating a new, vibrant mixed use area near existing transit, which promotes increased access to Wyvernwood by the local community.

D. The Redevelopment includes marked increases in open space in support of Primary Objective #7.

The Redevelopment is proposed to include 11.7 acres of public parks and open space, as well as 26.75 acres of yards, courtyards, and other open space for residents. Currently, Wyvernwood includes small, fragmented open space with limited use, with many of these areas suffering from deterioration and a lack of maintenance. The proposed Redevelopment would create more expansive open space with opportunities for recreation and enjoyment both by Wyvernwood residents and the public. The open space would be privately landscaped and maintained in a manner that is sustainable for the long-term enjoyment of the community and that would contribute to the tree canopy within the Community Plan Area, thus in support of Primary Objective #7.

D. Preservation of the existing housing at Wyvernwood is not an economically viable solution to the City's overriding need for additional housing. Further, the City has accepted that the Community Plan Update will result in significant impacts to historical structures in the Community Plan Area, and the Redevelopment would be subject to the same scrutiny and approval requirements that the City has deemed sufficient to protect other historical structures in the Community Plan Area.

As described further in the attached slide decks, Fifteen Group has examined a number of scenarios attempting to reserve a portion of the existing buildings at Wyvernwood, and has confirmed that it is infeasible to preserve the existing structures as part of a redevelopment effort. Preserving and rehabilitating the existing buildings would result in significantly higher rent for residents, financial infeasibility for future rent stabilization or the dedication of affordable housing units, the displacement of current residents, and would not address Wyvernwood's most pressing needs, including serious issues with safety, fire prevention, parking, street circulation, disability access, and environmental sustainability. These issues are inherent to the outdated design of the current Wyvernwood apartments, and cannot be remedied without completely rebuilding the structures. Land Use Goal 2.5 of the Community

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Plan Update calls for the City to “[s]upport property owners in their efforts to operate and maintain affordable housing units in good and safe condition.” The Housing Element Policy 2.3.2 similarly states that developers should “[r]ehabilitate and/or replace substandard housing with housing that is decent, safe, healthy and affordable.” Fifteen Group is attempting to create, operate, and maintain new affordable housing units that will provide safe and modern amenities to residents in furtherance of these goals.

Further, the City has accepted that the Community Plan Update will cause a substantial adverse change in the significance of historical resources, and that such an impact is unavoidable. The DEIR recognizes that:

Development that would occur over the life of the Proposed Plan has the potential to occur on, or adjacent to, historical resources. This is particularly true for areas with proposed increased development potential along specific corridors and nodes near transit, which could result in pressure to remove historical resources.... Notwithstanding the above, new development could result in an impact to historical resources either through direct effects (demolition or alternation of a historical resource’s physical characteristics that convey its historical significance, such as change to the façade inconsistent with the original façade) or through indirect effects to the area surrounding a resource (eliminating or diminishing the historic value of resource without physically changing the resource, such as creating a visually incompatible structure adjacent to a historical structure).

The DEIR continues, stating that the City’s existing measures, and the new review process in the Boyle Heights Community Benefits Program (the “CPIO”), are sufficient to properly mitigate any impacts to historical resources:

While the Office of Historic Resources reports that it is extremely uncommon in the City to lose designated historical resources when a property owner has complied with the City’s regulations and under typical City practices, the Cultural Heritage Ordinance cannot prevent a property from being demolished or redeveloped or prevent structures from being altered. Rather these ordinances provide for processes, including environmental review, but they do not prohibit demolition. Although the proposed Boyle Heights CPIO District includes a review process for development projects that include the demolition or alteration of a designated or an eligible historical resource, it is possible that demolition and/or significant alteration to some of the historical resources within the CPA could occur during the life of the Proposed Plan. Therefore, the Proposed Plan’s impacts related to historical resources would be potentially significant.

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The City is willing to accept that the Community Plan Update will necessitate a significant impact to historical resources. Therefore, to the extent the City has concerns about the historical significance of the existing Wyvernwood development, any impacts of the Redevelopment should be acceptable as well, or at least the trade-offs should be disclosed in a good faith analysis of the alternatives. It is improper for the City to arbitrarily prioritize the goal of preserving the existing Wyvernwood Apartments at the expense of the Redevelopment's furtherance of the majority of the Primary Objectives, as well as many of the goals of the Community Plan Update and the Housing Element.

4

Ultimately, the City must revise the DEIR to include a good faith, complete analysis of the Redevelopment, which properly and accurately describes the project, weighs in detail the benefits and impacts, so that both the relevant decisionmakers and the public can make informed judgments regarding the potential for Wyvernwood to serve as an alternative site for higher density housing in the Community Plan Area.

Pursuant to CEQA Section 21092.2, we request all future notifications regarding this project.

Sincerely,



Amy R. Forbes

ARF

EXHIBIT A

[See attached.]



Presentation to the Los Angeles Department of City Planning

February 27, 2013





Wyvernwood Today

- ▶ Private apartment community on 69 acres built in 1938. Includes 1,187 market-rate units in 153 residential buildings.
- ▶ 40% of units are studios or one-bedrooms. Average occupancy is 5.18 residents per unit – nearly double the Los Angeles area average of 2.83 residents per unit.
- ▶ Units are rent-stabilized, but current site includes no designated affordable housing





An Aging Property

Built in 1938, Wyvernwood lacks modern standards of:

- ▶ Safety
- ▶ Fire prevention
- ▶ Parking
- ▶ Street circulation
- ▶ Disability access
- ▶ Environmental sustainability

Wyvernwood also lacks modern conveniences for residents:

- ▶ No air conditioning
- ▶ No cable TV
- ▶ No high-speed Internet
- ▶ Limited electrical systems
- ▶ No capacity for washer/dryers
- ▶ Only one bathroom in all apartments, even 3-bedroom units

These weaknesses are inherent in Wyvernwood's outdated design, and can be remedied only through a major rebuilding of the property.



Guiding Principles for the Future

Principles considered in developing The New Wyvernwood:

- ▶ Safety
- ▶ Affordability
- ▶ Phased construction to avoid displacement
- ▶ Elimination of infrastructure conflicts
- ▶ Connectivity
- ▶ Upgraded living units and amenities
- ▶ Maximized usable open space
- ▶ Preservation



Current Conditions

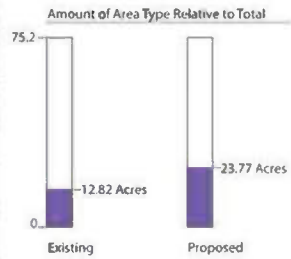




Current Conditions – Building Footprints

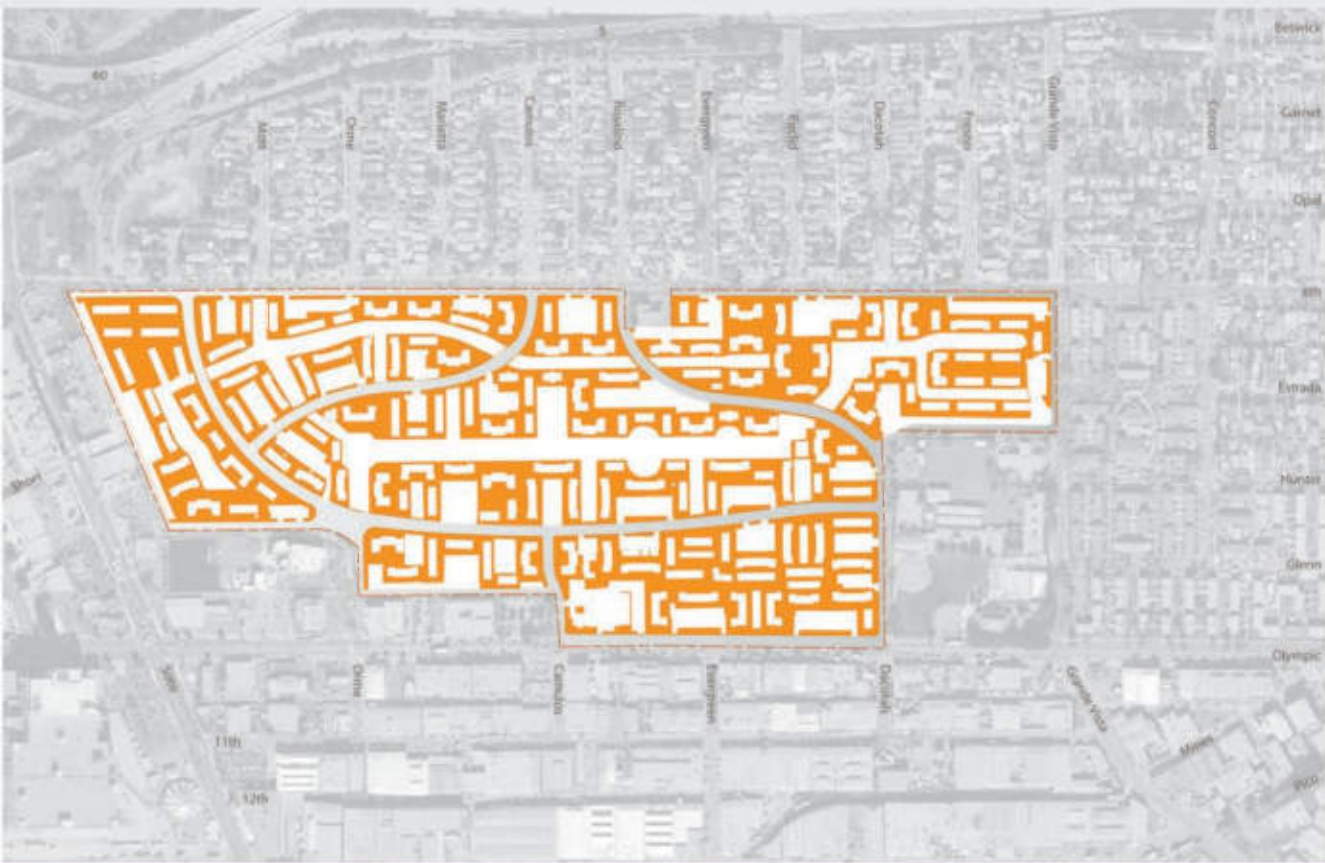


Area Type
■ Coverage (Building Footprints)

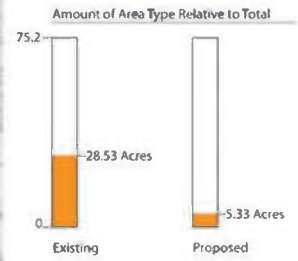




Current Conditions – Yard Space



Area Type
Yard Space





Current Conditions – Parking Lots





The New Wyvernwood





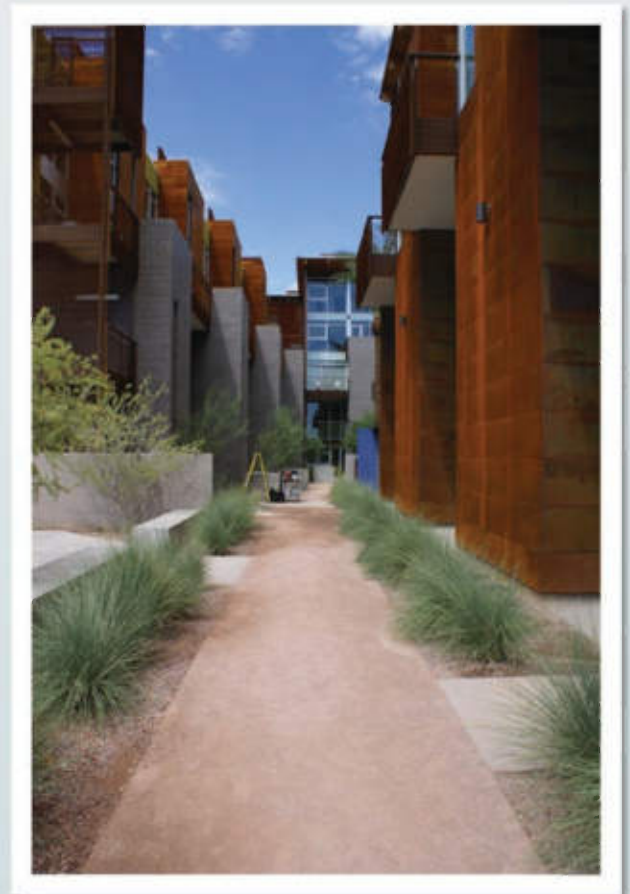
The Proposed Project

- ▶ Up to 4,400 residential units to rent or purchase
- ▶ At least 1,200 rental units
- ▶ 15% designated affordable housing for low and very low-income tenants – up to 660 units in total
- ▶ As many additional rent-restricted units (RSO) as necessary to accommodate current tenants. This is **in addition to** the designated affordable housing units
- ▶ Up to 300,000 square feet of retail and office space, along with up to 25,000 square feet of civic space
- ▶ 10.5 acres of privately maintained, publicly accessible parks and open space – an additional 26.75 acres of yards, courtyards and other open space
- ▶ A 2012 winner of the Charter Award from the Congress for the New Urbanism for its pedestrian-oriented design, sustainability features and commitments to current residents



Adding Units Brings Benefits

- ▶ Supports cost of affordable housing, rent assurance and onsite relocation during construction
- ▶ Relieves overcrowding
- ▶ Supports a thriving retail/commercial district





A Closer Look: Improved Open Space

- ▶ Current open space : Small fragments with limited use.
 - ▶ Fenced and unfenced yard space, interstitial open space, publicly-accessible open space
- ▶ Proposed open space: Larger areas with more opportunities for recreation and enjoyment.

Current



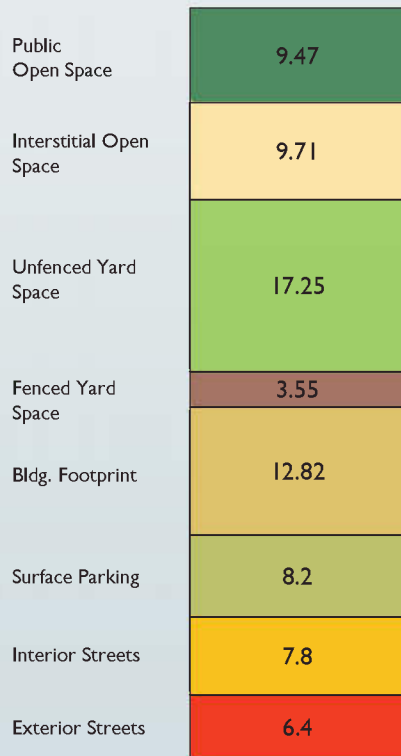
Proposed



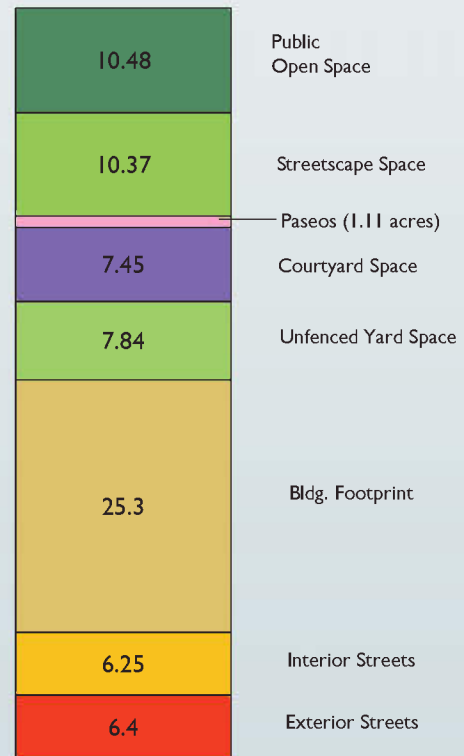


Comparison of Open Space Uses

Existing (acres)



Proposed (acres)





Open Space – Current Conditions





Open Space – Current Conditions





An Improved Street Network



Current, outdated street grid



Proposed street grid



Significant Infrastructure Conflicts

Existing Buildings in Conflict with Major Utilities



86" storm drain



52" water main

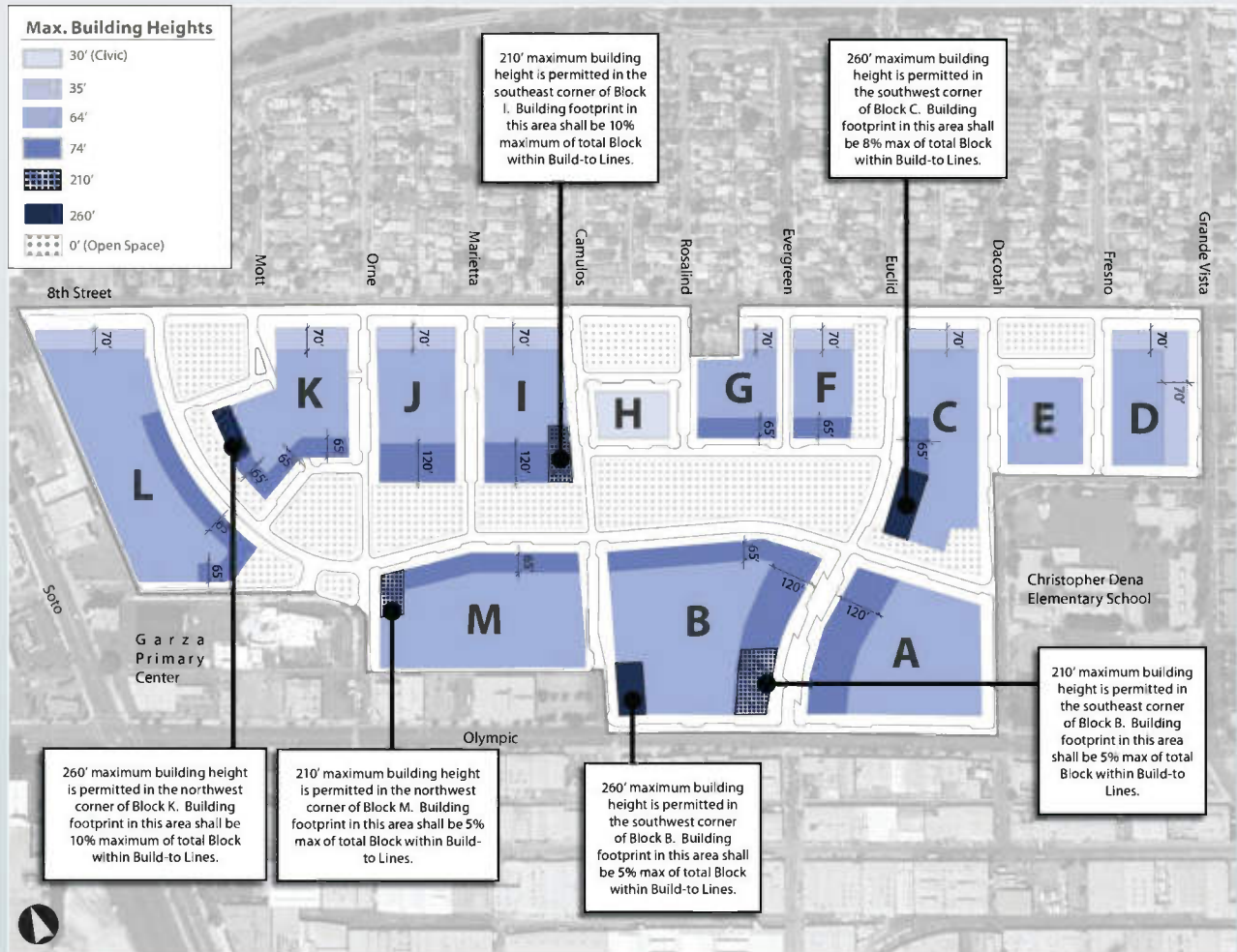


A Mix of Building Heights

- ▶ Height restrictions will be in force throughout the property, with the strictest restrictions along 8th Street
- ▶ Most buildings will range from 24 to 75 feet high
- ▶ In six locations, slender high-rises will be allowed to reach between 210 and 260 feet. These locations will be farthest from neighboring low-rise residential areas
- ▶ Building elevations will not rise above that of the Sears building



A Mix of Building Heights





Commitments to Current Residents

Fifteen Group has created a comprehensive Resident Retention Plan detailing numerous commitments to current Wyvernwood tenants.

These commitments exceed the benefits required by city housing regulations.

- ▶ All current tenants will have priority access to buy or rent a unit, including units set aside as designated affordable housing for those with low and very low incomes
- ▶ Tenants on current leases will pay no more in rent at the new site than they would have paid for their current apartment. Those not on the lease will have priority access to a unit of their own, including designated affordable housing units for those who qualify
- ▶ Tenants will be given at least a year's notice before they will need to leave their units. They will be able to stay on-site during construction, in a comparable housing unit
- ▶ Those who do not wish to stay will receive the maximum relocation payment under Los Angeles Housing Department policy, currently \$18,650 per unit



Commitments to Current Residents

Phased construction will allow residents to remain onsite, eliminating need for displacement





Commitments to Current Residents

Understanding the Resident Retention Plan at The New Wyvernwood



Please refer to the full Resident Retention Plan for more details. More information is available at (323) 261-4001 and www.wyvernwood.com.



Binding, Enforceable Commitments

All commitments are binding on the property owner, and anyone who develops any portion of the site

- ▶ Development agreement
 - ▶ Includes full Resident Retention Plan
 - ▶ Covenants will enable tenants to directly enforce commitments
 - ▶ **No demolition or construction permits can be issued if terms are not met**
- ▶ Vesting tract map
 - ▶ Enforces Phasing Plan
- ▶ Specific plan
 - ▶ Enforces affordable housing commitment



Evaluating Feasible Preservation Options

Priority: Ensuring any new development is in scale with the surrounding site





Evaluating Feasible Preservation Options

Priority: Ensuring enough new construction to fund any renovation





Partial Preservation Alternative

Alternative 3A- Partial Preservation Alternative, Retention of National Register Eligibility



New Units Introduced					
Type V 1100 (sq/units)	Type III 1200 (sq/units)	Type II 1300 (sq/units)	Type I 1400 (sq/units)	Type I Tower 1600 (sq/units)	Total
1,025	189	0	496	0	1,710

Existing Units Preserved	
Original Apartment Types / Tipos de Departamentos Originales	
Type 1 (20) Tipo 1	Type 6 (11) Tipo 6
Type 2 (2) Tipo 2	Type 7 (7) Tipo 7
Type 3 (7) Tipo 3	Type 8 (14) Tipo 8
Type 4 (10) Tipo 4	Type 9 (5) Tipo 9
Type 5 (7) Tipo 5	
Other Building Types / Otros Tipos de Edificios	
Added Apartments Departamentos Agregados	
Existing Office Oficina de Rentas	
Laundry Facilities Lavanderías	
Courages, Mail, Storage, etc. Coberturas, Muebles, Almacén, etc.	
Not Eligible No Clasificado	(2)
TOTAL: 648 Units (in 83 buildings)	

Note: This Alternative includes a 45 foot height limit for all new construction adjacent to existing portions of the site. While new development heights may extend to 7 stories (75') in other areas, the development will appear no greater than 45 feet when seen from the edge of the existing portions of the site, across Glenn Avenue. This is accomplished through setbacks and building placement.

Total Units
2,358 Units (No Commercial SF)



Preserving a “Meaningful Remnant”





West End Preservation Alternative #1

Alternative 3B – West End Preservation Alternative 1, Meaningful Remnant



New Units Introduced						Total
Type V	Type II	Type III	Type I	Type I	Type I	
1100	1200	1200	1400	1600	1600	
(sqft/unit)	(sqft/unit)	(sqft/unit)	(sqft/unit)	(sqft/unit)	(sqft/unit)	
1,111	907	909	97	657		3,691

Existing Units Preserved

Original Apartment Types / Tipos de Departamentos Originales

■ Type 1 (1)	■ Type 6 (7)
■ Type 2 (2)	■ Type 7 (5)
■ Type 3 (0)	■ Type 8 (3)
■ Type 4 (4)	■ Type 9 (0)
■ Type 5 (6)	

Other Building Types/Otros Tipos de Edificios

■ Access Apartments / Departamentos Agregados
■ Existing Office / Oficina de Rentas
■ Laundry Facilities / Lavanderías
■ Garages, Multi-Storey, etc. / Cocheros, Mantenes, Almacenes, etc.
 Not Classified (0) / No Clasificado

TOTAL: 200 Units (in 28 Buildings)

Total Units
3,881 Units
 (+ 300,000 SF Commercial Space: Office and Retail Combined)

West End Preservation Alternative #2

Alternative 3C- West End Preservation Alternative 2, Meaningful Remnant, No Infrastructure Conflicts



New Units Introduced					
Type V	Type II	Type III	Type I	Type I	Total
1100	1200	1300	1400	1500	
(sq/Unit)	(sq/Unit)	(sq/Unit)	(sq/Unit)	(sq/Unit)	
1,126	925	987	99	798	3,935

Existing Units Preserved

Original Apartment Types / Tipos de Departamentos Originales

Type 1 (1)	Type 6 (4)
Type 2 (2)	Type 7 (3)
Type 3 (0)	Type 8 (2)
Type 4 (0)	Type 9 (0)
Type 5 (5)	

Other Building Types / Otros Tipos de Edificios

- Added Apartments / Departamentos Añadidos
- Existing Office / Oficina de Renta
- Laundry Facilities / Lavanderías
- Garages, Minis, Storage, etc. / Cochinos, Minis, Almacén, etc.
- Not Classified / No Clasificado (0)

TOTAL: 126 Units (in 17 Buildings)

Total Units
4,061 Units
 (+ 300,000 SF Commercial Space: Office and Retail Combined)

Interpretive Center Alternative

Alternative 3D – Interpretive Center Alternative



New Units Introduced

Type V	Type III	Type III	Type I	Type I	Total
1100	1200	1200	1400	1600	
(apts/units)	(apts/units)	(apts/units)	(apts/units)	(apts/units)	
1,268	1,034	1,185	115	798	4,400

Existing Buildings Preserved*

Original Apartment Types / Tipos de Departamentos Originales

■ Type 1 (0) Tipo 1	■ Type 6 (1) Tipo 6
■ Type 2 (0) Tipo 2	■ Type 7 (1) Tipo 7
■ Type 3 (1) Tipo 3	■ Type 8 (1) Tipo 8
■ Type 4 (1) Tipo 4	■ Type 9 (1) Tipo 9
■ Type 5 (0) Tipo 5	

Other Building Types/Otros Tipos de Edificios

- Assisted Apartments / Departamentos Agregados
- Leasing Office / Oficina de Renta
- Laundry Facilities / Lavanderías
- Garages, Mail, Storage, etc. / Cocheras, Muebles, Almacenes, etc.
- Not Classified / No Clasificado (0)

TOTAL: 0 Residential Units
 * NOTE: The 6 preserved buildings are for non-residential uses (civic)

Total Units

4,400 Units
 (+ 300,000 SF Commercial Space:
 Office and Retail Combined)



Preservation: Not a Feasible Option

Preserving and rehabilitating current buildings would present numerous problems:

- ▶ Would raise rents to an average of \$2,300/unit
- ▶ Would be financially infeasible to offer rent assurance or set aside affordable housing units
- ▶ Would force offsite relocation
- ▶ Would not address the property's most pressing needs





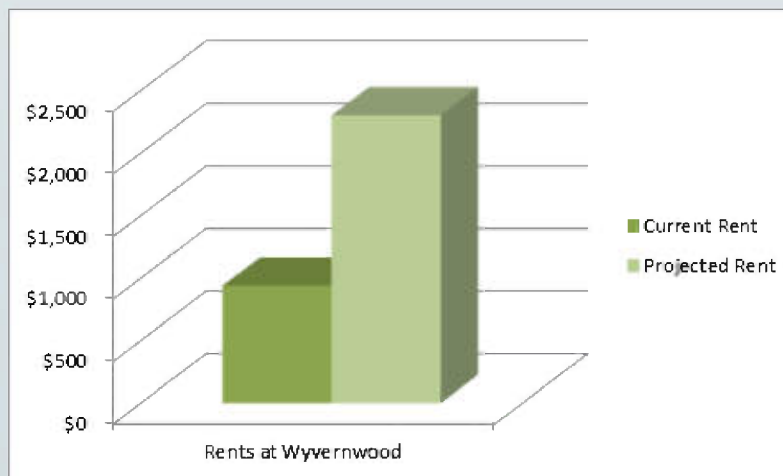
Partial Preservation Alternative

- ▶ We conducted a Partial Preservation Alternative Analysis at the Conservancy's request. This alternative would retain approximately 50% of the existing historic district and redevelop the remaining portion of the property with 1,710 new residential units.
- ▶ This alternative section was drafted and circulated with the DEIR in October of 2011.
- ▶ Key findings follow:



Alternatives Analysis: Higher Rent and Likely Permanent Displacement

- ▶ *Background:* The rehab work for the preserved units would occur in tandem with the first phase of construction, causing temporary displacement of residents. Rents for the rehabilitated units would increase to market levels.
- ▶ By upgrading the condition of existing units, the Partial Preservation Alternative (PPA) would result in rehabilitated units commanding significantly higher rents. Under the PPA, the projected rent would increase from the current unit average of \$940/month to \$2,400/month – an increase of over 250%.





Alternatives Analysis: Higher Rent and Likely Permanent Displacement (continued)

- ▶ The PPA would also result in fewer units affordable to families with low and very-low incomes. It is not possible to recover the rehabilitation costs and still make a commitment to designate 15 percent of all units as affordable housing and to charge current tenants no more in rent.
- ▶ And the new units do not alleviate overcrowded conditions units that average 5.18 residents – many of them studios and one-bedrooms. The proposed project would reduce the average number of residents per unit to 2.3.



Alternatives Analysis: Access and Circulation System

- ▶ The Partial Preservation Alternative would not provide an improved access and circulation system for emergency vehicles.
- ▶ The existing buildings conflict with effective linkages using CPTED (Crime Prevention Through Environmental Design) principles.
- ▶ It would not be possible to meet parking space requirements

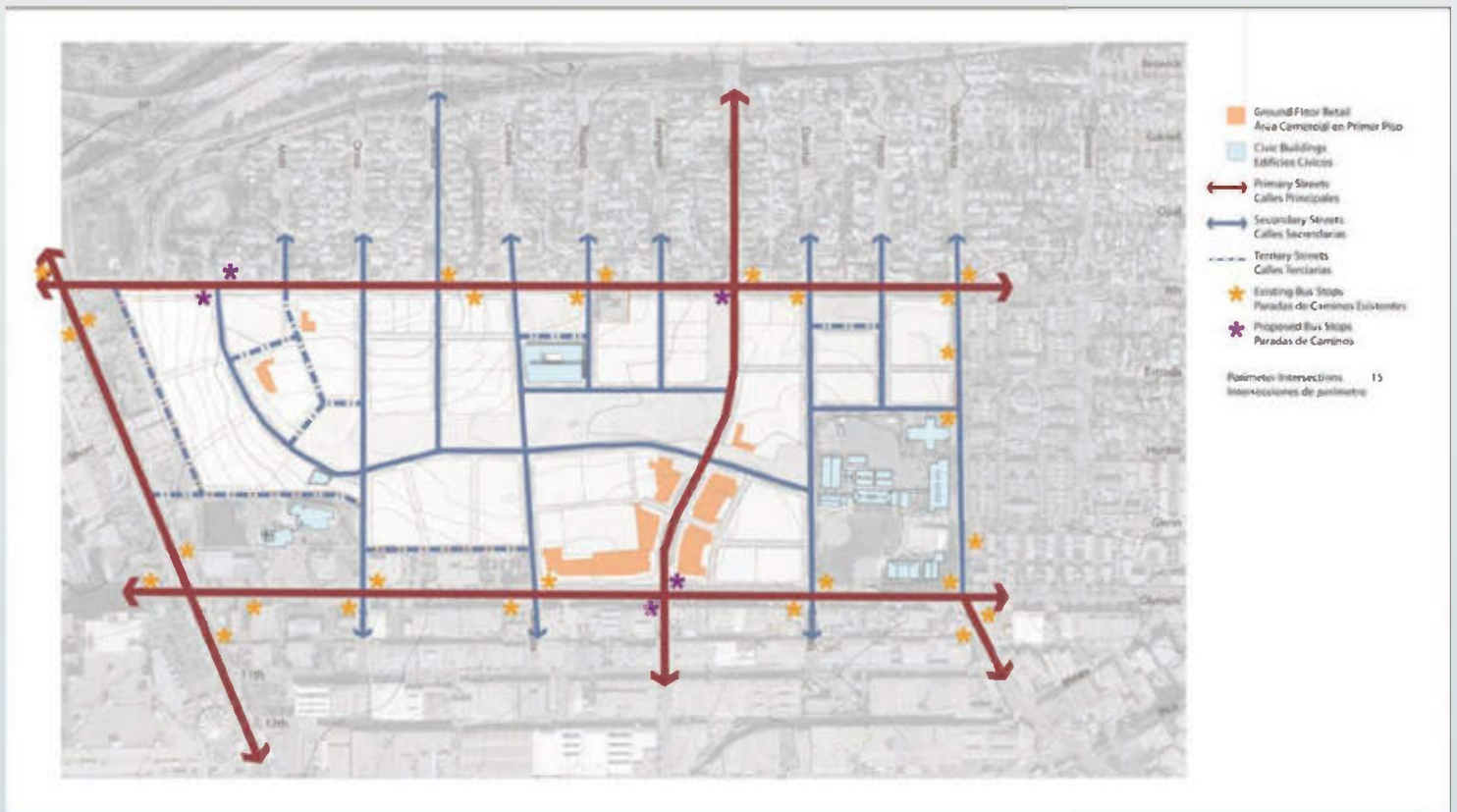


Alternatives Analysis: Access and Circulation Under Partial Preservation Alternative





Alternatives Analysis: New Project Access and Circulation





Alternatives Analysis: New Project Access and Circulation

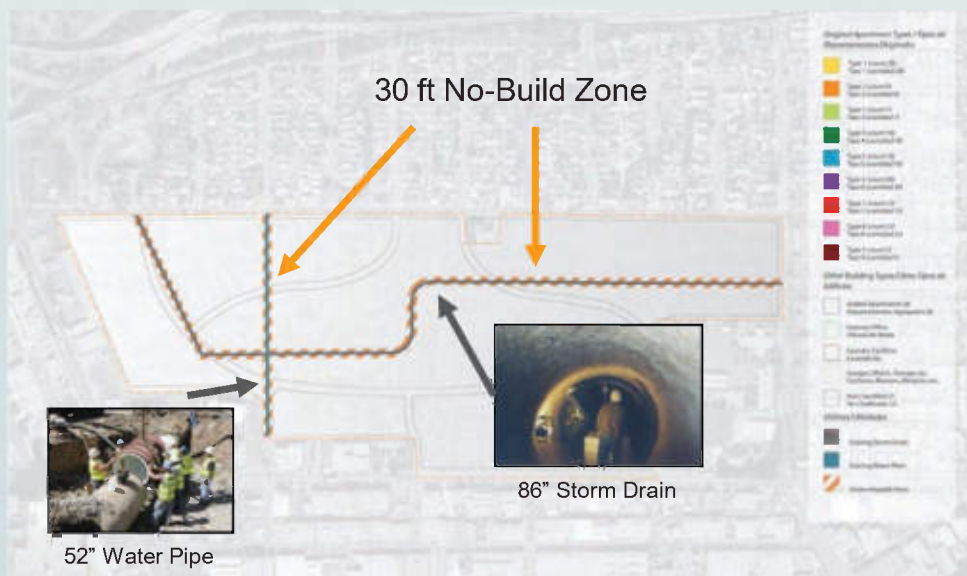
Existing Buildings in Conflict with Linkages, using CPTED Principles





Alternatives Analysis: Infrastructure

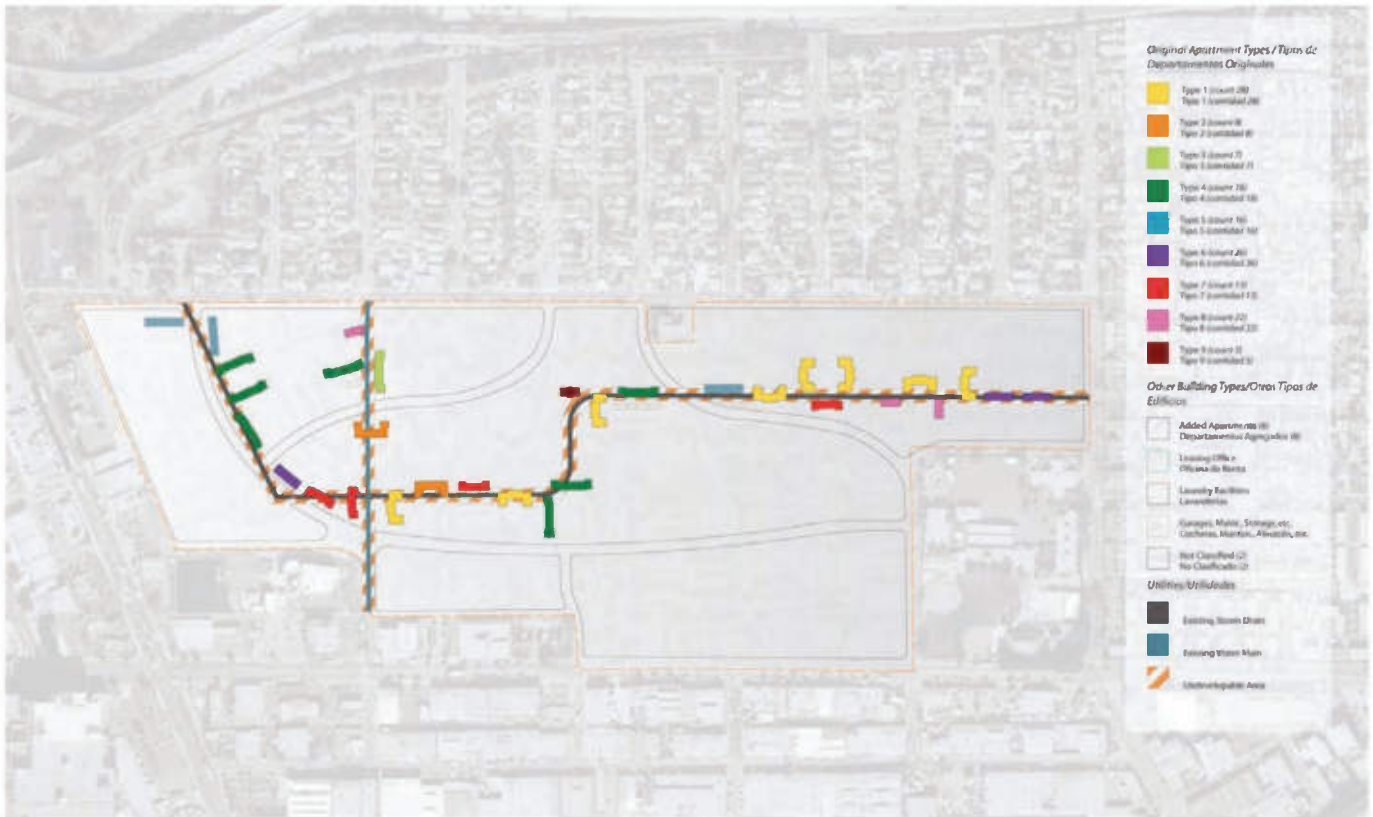
- ▶ The Partial Preservation Alternative would not remove the existing on-site buildings and improvements that currently encroach upon public easements for water and storm drain utilities.
 - ▶ The PPA would keep residential units above a 52" water pipe and 86" storm drain.
- ▶ The project, as proposed, would eliminate these substantial infrastructure conflicts by creating a 30-foot no-build zone on the property.





Alternatives Analysis: Infrastructure

Existing Buildings in Conflict with Major Utilities





Alternatives Analysis: Financial Feasibility

- ▶ The Partial Preservation Alternative is not financially feasible for Fifteen Group to implement. It is projected to result in a negative return on investment.
 - ▶ This alternative has an unleveraged IRR of 8.45% and a gross margin of -10.27%.
 - ▶ The minimum acceptable financial thresholds are an unleveraged IRR of 11.0% and a gross margin of 8.0%.
 - ▶ The cost of rehabilitation under the Secretary of Interior's standards would exceed the achievable rental revenue, despite the availability of Historic Tax Credits and a Mills Act property tax reduction.
 - ▶ Rents would need to average about \$2,400 to achieve the minimum investment thresholds. That number is nearly triple the current average rents on the property.

- ▶ The Partial Preservation Alternative would be difficult to finance given the utility easements on the site.
 - ▶ Any lender would be reluctant to finance the cost of improvements because easement holders could order those improvements demolished or removed for access to the underlying infrastructure.



Alternatives Analysis: Conclusion

The Partial Preservation and Full Preservation Alternatives are not feasible due to:

- ▶ Infrastructure
- ▶ Safety
- ▶ Connectivity
- ▶ Potential Resident Displacement
- ▶ Cost / Affordability / Rent



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EXHIBIT B

[See attached.]



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Wyvernwood Today

- ▶ Private apartment community on 69 acres built in 1938. Includes 1,187 market-rate units in 153 residential buildings.
- ▶ 40% of units are studios or one-bedrooms. Average occupancy is 5.18 residents per unit – nearly double the Los Angeles area average of 2.83 residents per unit.
- ▶ Units are rent-stabilized, but current site includes no designated affordable housing





The New Wyvernwood





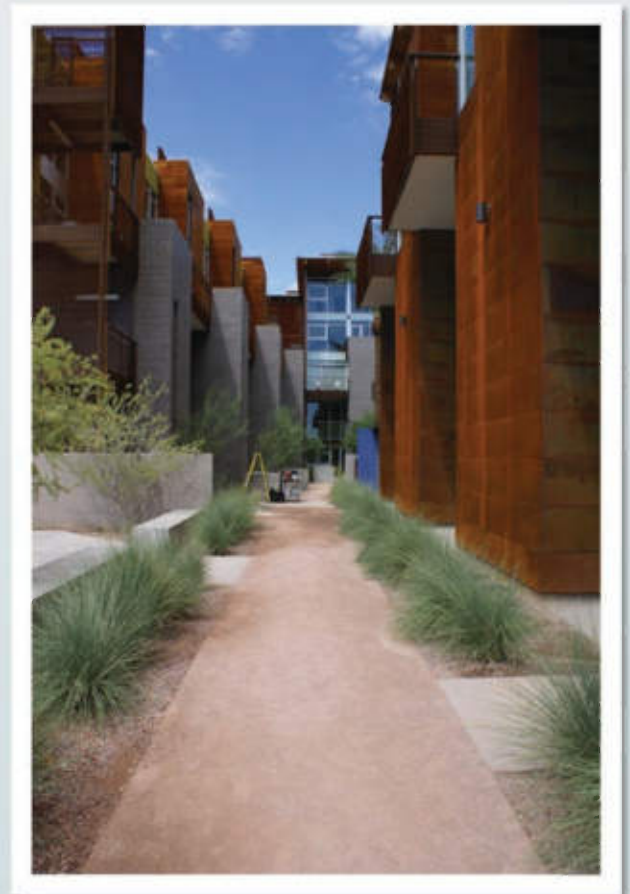
The Proposed Project

- ▶ Up to 4,150 residential units to rent or purchase
- ▶ At least 1,200 rental units
- ▶ 20% designated affordable housing for low and very low-income tenants – up to 830 units in total, with average affordability of .55 AMI
- ▶ As many additional rent-restricted units (RSO) as necessary to accommodate current tenants. This is **in addition to** the designated affordable housing units
- ▶ Up to 300,000 square feet of retail and office space, along with up to 25,000 square feet of civic space
- ▶ 11.7 acres of privately maintained, publicly accessible parks and open space – an additional 26.75 acres of yards, courtyards and other open space
- ▶ A 2012 winner of the Charter Award from the Congress for the New Urbanism for its pedestrian-oriented design, sustainability features and commitments to current residents



Adding Units Brings Benefits

- ▶ Supports cost of affordable housing, rent assurance and onsite relocation during construction
- ▶ Relieves overcrowding
- ▶ Supports a thriving retail/commercial district





A Closer Look: Improved Open Space

- ▶ Current open space : Small fragments with limited use.
 - ▶ Fenced and unfenced yard space, interstitial open space, publicly-accessible open space
- ▶ Proposed open space: Larger areas with more opportunities for recreation and enjoyment.

Current



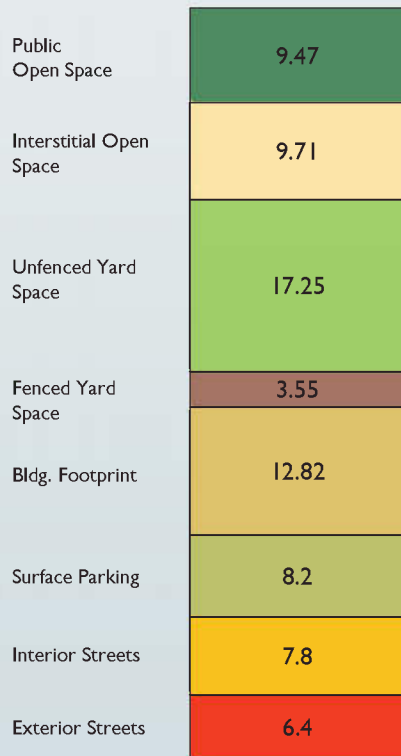
Proposed



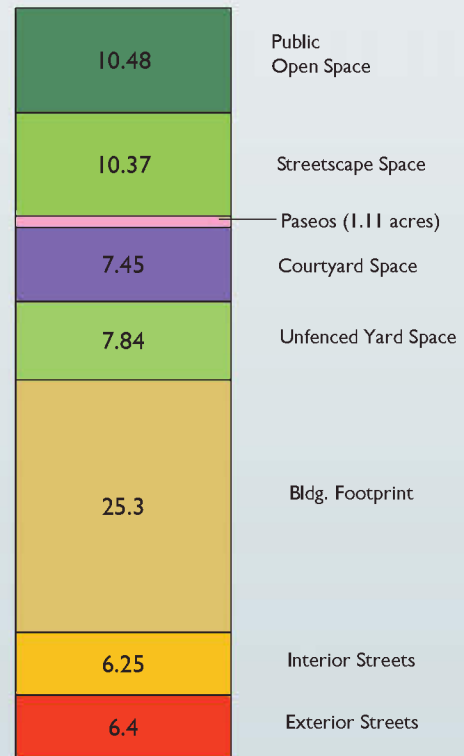


Comparison of Open Space Uses

Existing (acres)



Proposed (acres)





Open Space – Current Conditions





Open Space – Current Conditions





An Improved Street Network



Current, outdated street grid



Proposed street grid



Commitments to Current Residents

Fifteen Group has created a comprehensive Resident Retention Plan detailing numerous commitments to current Wyvernwood tenants.

These commitments exceed the benefits required by city housing regulations.

- ▶ All current tenants will have priority access to buy or rent a unit, including units set aside as designated affordable housing for those with low and very low incomes
- ▶ Tenants on current leases will pay no more in rent at the new site than they would have paid for their current apartment. Those not on the lease will have priority access to a unit of their own, including designated affordable housing units for those who qualify
- ▶ Tenants will be given at least a year's notice before they will need to leave their units. They will be able to stay on-site during construction, in a comparable housing unit
- ▶ Those who do not wish to stay will receive the maximum relocation payment under Los Angeles Housing Department policy, currently \$19,000 per unit; overcrowded units receive \$25,000



Commitments to Current Residents

Phased construction will allow residents to remain onsite, eliminating need for displacement





Binding, Enforceable Commitments

All commitments are binding on the property owner, and anyone who develops any portion of the site

- ▶ Development agreement
 - ▶ Includes full Resident Retention Plan
 - ▶ Covenants will enable tenants to directly enforce commitments
 - ▶ **No demolition or construction permits can be issued if terms are not met**
- ▶ Vesting tract map
 - ▶ Enforces Phasing Plan
- ▶ Specific plan
 - ▶ Enforces affordable housing commitment



Partial Preservation Alternative

Alternative 3A- Partial Preservation Alternative, Retention of National Register Eligibility



New Units Introduced					
Type V	Type III	Type II	Type I	Type I	Total
(apts/units)	(apts/units)	(apts/units)	(apts/units)	(apts/units)	
1100	1200	1300	1400	1600	
1,025	189	0	496	0	1,710

Existing Units Preserved	
Original Apartment Types / Tipos de Departamentos Originales	
Type 1 (20) Tipo 1	Type 6 (11) Tipo 6
Type 2 (2) Tipo 2	Type 7 (7) Tipo 7
Type 3 (7) Tipo 3	Type 8 (14) Tipo 8
Type 4 (10) Tipo 4	Type 9 (5) Tipo 9
Type 5 (7) Tipo 5	
Other Building Types / Otros Tipos de Edificios	
Added Apartments Departamentos Agregados	
Existing Office Oficina de Renta	
Laundry Facilities Lavanderías	
Courages, Mail, Storage, etc. Coberturas, Muebles, Almacén, etc.	
Not Eligible / No Clasificado (2)	
TOTAL: 648 Units (in 83 buildings)	

Note: This Alternative includes a 45 foot height limit for all new construction adjacent to existing portions of the site. While new development heights may extend to 7 stories (75') in other areas, the development will appear no greater than 45 feet when seen from the edge of the existing portions of the site, across Glenn Avenue. This is accomplished through setbacks and building placement.

Total Units
2,358 Units (No Commercial SF)



Preserving a “Meaningful Remnant”



West End Preservation Alternative #1

Alternative 3B – West End Preservation Alternative 1, Meaningful Remnant



New Units Introduced						Total
Type V	Type II	Type III	Type I	Type I	Type I	
1100	1200	1200	1400	1600	1600	
(gaf)(unf)	(gaf)(unf)	(gaf)(unf)	(gaf)(unf)	(gaf)(unf)	(gaf)(unf)	
1,111	907	909	97	657		3,681

Existing Units Preserved

Original Apartment Types / Tipos de Departamentos Originales

■ Type 1 (1)	■ Type 6 (7)
■ Type 2 (2)	■ Type 7 (5)
■ Type 3 (0)	■ Type 8 (3)
■ Type 4 (4)	■ Type 9 (0)
■ Type 5 (6)	

Other Building Types / Otros Tipos de Edificios

- Access Apartments / Departamentos Agregados
- Existing Office / Oficina de Resta
- Laundry Facilities / Lavanderías
- Garages, Multi-Storey, etc. / Cocheros, Mantenes, Almacenes, etc.
- Not Classified / No Clasificado (0)

TOTAL: 200 Units (in 28 Buildings)

Total Units
3,881 Units
 (+ 300,000 SF Commercial Space: Office and Retail Combined)

West End Preservation Alternative #2

Alternative 3C- West End Preservation Alternative 2, Meaningful Remnant, No Infrastructure Conflicts



New Units Introduced

Type V	Type II	Type III	Type I	Type I	Total
1100	1200	1300	1400	1500	
(sq/Unit)	(sq/Unit)	(sq/Unit)	(sq/Unit)	(sq/Unit)	
1,126	925	987	99	798	3,935

Existing Units Preserved

Original Apartment Types / Tipos de Departamentos Originales

Type 1 (11) Tipo 1	Type 6 (4) Tipo 6
Type 2 (2) Tipo 2	Type 7 (3) Tipo 7
Type 3 (0) Tipo 3	Type 8 (2) Tipo 8
Type 4 (0) Tipo 4	Type 9 (0) Tipo 9
Type 5 (5) Tipo 5	

Other Building Types / Otros Tipos de Edificios

- Added Apartments / Departamentos Añadidos
- Existing Office / Oficina existente
- Laundry Facilities / Lavanderías
- Garages, Minis, Storage, etc. / Cochinos, Minis, Almacén, etc.
- Not Classified / No Clasificado (0)

TOTAL: 126 Units (in 17 Buildings)

Total Units
4,061 Units
 (+ 300,000 SF Commercial Space: Office and Retail Combined)



Preservation: Not a Feasible Option

Preserving and rehabilitating current buildings would present numerous problems:

- ▶ Would raise rents to an average of \$2,300/unit
- ▶ Would be financially infeasible to offer rent assurance or set aside affordable housing units
- ▶ Would force offsite relocation
- ▶ Would not address the property's most pressing needs





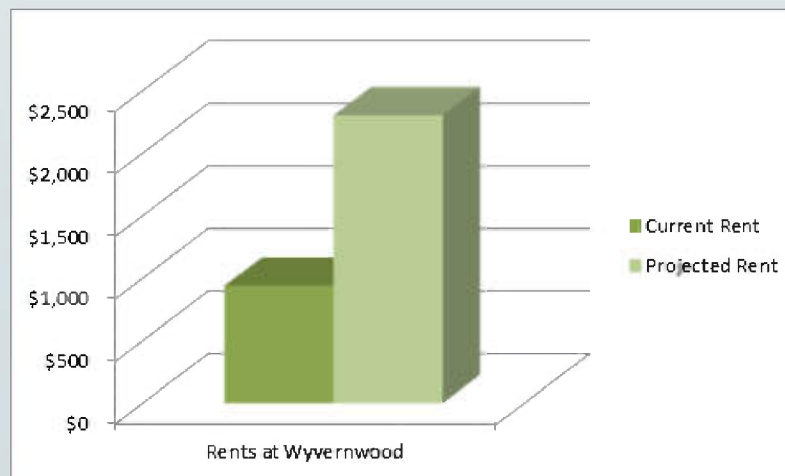
Partial Preservation Alternative

- ▶ We conducted a Partial Preservation Alternative Analysis at the Conservancy's request. This alternative would retain approximately 50% of the existing historic district and redevelop the remaining portion of the property with 1,710 new residential units.
- ▶ This alternative section was drafted and circulated with the DEIR in October of 2011.
- ▶ Key findings follow:



Alternatives Analysis: Higher Rent and Likely Permanent Displacement

- ▶ *Background:* The rehab work for the preserved units would occur in tandem with the first phase of construction, causing temporary displacement of residents. Rents for the rehabilitated units would increase to market levels.
- ▶ By upgrading the condition of existing units, the Partial Preservation Alternative (PPA) would result in rehabilitated units commanding significantly higher rents. Under the PPA, the projected rent would increase from the current unit average of \$940/month to \$2,400/month – an increase of over 250%.





Alternatives Analysis: Higher Rent and Likely Permanent Displacement (continued)

- ▶ The PPA would also result in fewer units affordable to families with low and very-low incomes. It is not possible to recover the rehabilitation costs and still make a commitment to designate 15 percent of all units as affordable housing and to charge current tenants no more in rent.
- ▶ And the new units do not alleviate overcrowded conditions units that average 5.18 residents – many of them studios and one-bedrooms. The proposed project would reduce the average number of residents per unit to 2.3.



Alternatives Analysis: Financial Feasibility

- ▶ The Partial Preservation Alternative is not financially feasible for Fifteen Group to implement. It is projected to result in a negative return on investment.
 - ▶ This alternative has an unleveraged IRR of 8.45% and a gross margin of -10.27%.
 - ▶ The minimum acceptable financial thresholds are an unleveraged IRR of 11.0% and a gross margin of 8.0%.
 - ▶ The cost of rehabilitation under the Secretary of Interior's standards would exceed the achievable rental revenue, despite the availability of Historic Tax Credits and a Mills Act property tax reduction.
 - ▶ Rents would need to average about \$2,400 to achieve the minimum investment thresholds. That number is nearly triple the current average rents on the property.

- ▶ The Partial Preservation Alternative would be difficult to finance given the utility easements on the site.
 - ▶ Any lender would be reluctant to finance the cost of improvements because easement holders could order those improvements demolished or removed for access to the underlying infrastructure.



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Letter 12

**Gibson Dunn
Amy Forbes
333 South Grand Avenue
Los Angeles, CA 90071-3197**

Response 12-1

The commenter states that the Gibson Dunn comment letter is attached. The letter was received and is responded to below.

Response 12-2

The comment is an introduction to detailed comments, which are addressed below. No further response is required.

Response 12-3

The commenter asserts the developer's redevelopment of the Wyvernwood property should be an alternative within the EIR. *State CEQA Guidelines* Section 15126.6 states that, "[a]n EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project and evaluate the comparative merits of the alternatives. An EIR need not consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation. An EIR is not required to consider alternatives which are infeasible." (*emphasis added*) There is no ironclad rule as to what constitutes the number of alternatives that constitute a "reasonable" range. In addition, an EIR need not consider an alternative whose effect cannot be reasonably ascertained and whose implementation is remote and speculative pursuant to *State CEQA Guidelines* Section 15126.6(f)(3). Each EIR is required to consider the "No Project" alternative. When the project involves the revision of an existing land use or regulatory plan, a policy, or ongoing operations, the No Project alternative will be defined as the continuation into the future of the existing plan, policy, or operation. The existing plan, policy, or operations should be assumed to continue and to apply to other projects implemented during the timeframe of the analysis. Thus, the projected impacts of the proposed plan or alternative plans would be compared to the impacts that would occur under the existing plan (*State CEQA Guidelines* Section 15126.6(e)(3)(A)). In this case, the No Project Alternative is required to consider buildout of the existing Boyle Heights Community Plan.

An overarching consideration is that alternatives must be potentially feasible. Feasible is defined as "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic environmental, legal, social, and technological factors" (*State CEQA Guidelines* Section 15364). Note that an EIR can consider potential feasibility, but the determination of whether an alternative is, in fact, feasible, is up to the decision makers. Another important consideration is the degree to which

selection of an alternative would reduce or eliminate significant environmental impacts. As noted in the Executive Summary of the Draft EIR, 7 significant and unavoidable impacts (including cumulative impacts) associated with implementation of the Project Plan were identified, including air quality, historic resources, noise, public services and recreation, and utilities impacts. Additionally, the EIR identified mitigation that would be required to reduce several other impacts to less than significant levels.

EIR Chapter 5, “Alternatives,” evaluates three total alternatives including the No Project Alternative. Additionally, several other alternatives were developed to aim at reducing impacts associated with the location of project elements, as well as the magnitude of impacts associated with the numbers of potential residents. Other alternatives discussed in Chapter 5.0, Alternatives, page 5.0-83, of the Draft EIR, considered suggestions provided in comments on the NOP. Two of those alternatives, including consideration of increasing residential density in the western half of the CPA, particularly north of 4th Street and land use zoning changes to the Wyvernwood Garden Apartments site were rejected and not further analyzed or considered because they were deemed infeasible or did not attain most of the project objectives. Based on CEQA requirements and the justification provided for those alternatives carried forward for evaluation and those rejected and not evaluated as part of the EIR, a reasonable range of alternatives to the Proposed Plan has been identified and considered.

The commenter refers to its own proposal for the Wyvernwood property as ‘redevelopment’ – however there is no active proposal for redevelopment at the Wyvernwood site. The property owner’s previous applications have expired. The commenter points to a 2008 EIR for the Wyvernwood site. However, the EIR cited was never certified and as stated above, there is no active application for the site. Nor is the City aware of a proposal for redevelopment of the site, but the commenter continues to refer to “redevelopment” as a reasonably foreseeable alternative to be analyzed in the EIR.

The commenter suggests the City’s rejection of the alternative lacks good faith. This is incorrect. The City appropriately acknowledges that a proposal was on file at the City for redevelopment of the Wynwood site. However, for reasons stated in the EIR, consideration of the redevelopment of Wyvernwood was not brought forward for analysis in the alternatives. Redevelopment of the site would not meet most of the Plan’s objectives which are focused on transit-oriented development. Redevelopment of the site would also not result in any fewer impacts than the Proposed Plan.

Nothing in the comment suggests that the Wyvernwood alternative would avoid or mitigate any potentially significant environmental impacts of the Proposed Plan while attaining most of the project objectives, or that it would offer substantial environmental advantages, or be more feasible than the alternatives analyzed in the Draft EIR (*State CEQA Guidelines* Section 15204[a]). Further, the claims of deficiencies in the letter are not supported by substantial evidence. Thus, the range of alternatives in the

EIR meet CEQA standards and allows the decision makers and the public to make an informed comparison of the environmental effects of the various alternatives to the Proposed Plan.

Response 12-4

The comment suggests redevelopment of Wyvernwood would be consistent with the primary objectives of the project and specifically points to objectives 1 and 3. However, the site is not located near transit or along identified nodes and corridors as indicated in the Plan (objective 1) and therefore would not meet this objective. In addition, redevelopment of the site would result in the loss of over 1,000 rent-stabilized units; whether short or long term, loss of those units and the residential displacement that would occur does not meet objective 1. The remainder of the comment is a summary of the commenter's interpretation of how the previously proposed project could meet some of the project objectives. As there is no application on file with the City, there is no reasonably foreseeable project to analyze. Nothing within the EIR impedes the property owner from submitting an application for redevelopment of the Wyvernwood site and the City has no obligation to include every *potential* project within the CPA as an alternative. Ultimately, the project does not present an alternative that would reduce the environmental impacts of the Boyle Heights Community Plan.

As stated in **Response 12-3**, nothing in the comment provided suggests that the Wyvernwood project would avoid or mitigate any potentially significant environmental impacts of the Proposed Plan while attaining most of the project objectives, or that it would offer substantial environmental advantages, or be more feasible than the alternatives analyzed in the EIR (*State CEQA Guidelines* Section 15204[a]).



Ernesto Gonzalez <ernesto.a.gonzalez@lacity.org>

Draft EIR Comments for the Boyle Heights Community Plan Update, File number ENV-2016-2906-EIR

2 messages

Rosalind Sagara <RSagara@laconservancy.org> Tue, Oct 11, 2022 at 4:58 PM
To: "boyleheightsplan@lacity.org" <boyleheightsplan@lacity.org>, Kiran Rishi <kiran.rishi@lacity.org>, "priya.mehendale@lacity.org" <priya.mehendale@lacity.org>
Cc: "emma.howard@lacity.org" <emma.howard@lacity.org>, Office of Historic Resources <ken.bernstein@lacity.org>, "Shannon.Ryan@lacity.org" <Shannon.Ryan@lacity.org>, Monica Mejia <mmejia@elacc.org>, Adrian Fine <afine@laconservancy.org>

Dear Mr. Ernesto Gonzalez,

Please find the Los Angeles Conservancy's comments for the Draft EIR for the Boyle Heights Community Plan Update attached. Please do not hesitate to contact me directly should you have any questions.

Sincerely,
M. Rosalind Sagara

M. Rosalind Sagara
Neighborhood Outreach Manager
Los Angeles Conservancy
523 West Sixth Street, Suite 826
Los Angeles, CA 90014
rsagara@laconservancy.org

laconservancy.org
E-News – [Facebook](#) – [Twitter](#) – [Instagram](#)

LAC comments - DEIR Boyle Heights Community Plan 10-11-22.pdf
283K

Ernesto Gonzalez <ernesto.a.gonzalez@lacity.org> Tue, Oct 11, 2022 at 5:13 PM
To: Rosalind Sagara <RSagara@laconservancy.org>
Cc: "boyleheightsplan@lacity.org" <boyleheightsplan@lacity.org>, Kiran Rishi <kiran.rishi@lacity.org>, "priya.mehendale@lacity.org" <priya.mehendale@lacity.org>, "emma.howard@lacity.org" <emma.howard@lacity.org>, Office of Historic Resources <ken.bernstein@lacity.org>, "Shannon.Ryan@lacity.org" <Shannon.Ryan@lacity.org>, Monica Mejia <mmejia@elacc.org>, Adrian Fine <afine@laconservancy.org>

Hello Rosalind,

Thank you for your comment letter, it has been received and filed.



Ernesto Gonzalez
Pronouns: He, His, Him
Planning Assistant
Los Angeles City Planning
200 N. Spring St., Room 667
Los Angeles, CA 90012
T: (213) 978-1304 | Planning4LA.org



[Quoted text hidden]





October 11, 2022

Submitted electronically

Ernesto Gonzalez
City of Los Angeles Department of City Planning
200 North Spring Street, Room 667
Los Angeles, CA 90012
Email: boyleheightsplan@lacity.org

RE: Draft EIR Comments for the Boyle Heights Community Plan Update, File number ENV-2016-2906-EIR

Dear Mr. Gonzalez:

On behalf of the Los Angeles Conservancy, I am writing to comment on the Draft Environmental Impact Report (EIR) for the Boyle Heights Community Plan Update (CPU). The CPU is the culmination of many years of outreach and will guide development in Boyle Heights for the next twenty years. Because of its long-term application, it is vital for the City to provide a considered and comprehensive Community Plan that successfully plans for and protects some of Los Angeles’s most important historic resources.

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Boyle Heights is among the oldest neighborhoods in Los Angeles and was developed as one of the city’s first residential suburbs. Referred to as the “Ellis Island of the West Coast” by longtime residents and historians alike, Boyle Heights reflects Los Angeles’ diverse history and built heritage. Historic properties in the Boyle Heights Community Plan Area (CPA) are particularly at risk given the low percentage of designated historic resources and the increased levels of new and proposed development. According to the DEIR for the Boyle Heights Community Plan Update, there are a total of 153 parcels in the CPA identified as historic properties either individually or as contributors in a historic district. At the time of this writing, only 19 Historic-Cultural Monuments (HCMs) and no Historic Preservation Overlay Zones (HPOZs) are located in the CPA. Eight properties have been listed in the National Register of Historic Places. The CPU offers a unique opportunity to incentivize and plan for more proactive, robust protections for historic resources.

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The Conservancy commends the City for preparing a thoughtful plan that fosters sensitive growth while respecting historic properties and neighborhood identity. The Draft EIR proposes new zoning regulations for the Brooklyn Avenue Neighborhood Corridor (HCM #590), legacy corner stores in residential neighborhoods, and some SurveyLA residential historic districts in



the CPA. While we concur that these are significant historic resources and support the development of new zoning regulations and other planning tools to protect their historic character, we urge the City to analyze and plan for historic resources throughout the CPA.

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We submit the following comments to further ensure the intent and goals associated with historic resources effectively avoid and mitigate against significant and harmful impacts.

I. Draft Boyle Heights Community Plan should balance need for new growth and development with retention of existing resources (both people and places) through expanded strategies and tools

A lot of thought has clearly gone into the development of this draft Plan, with strong goals identified to retain existing residents and discourage displacement. We strongly concur with these goals. As a neighborhood of seventy-four percent renters and a majority of housing stock that is older than fifty years of age, Boyle Heights is both serving a critical need, and contains a strong concentration of historic resources. In many cases, the physical older housing stock is providing this critical affordable housing, therefore historic preservation and affordable housing goals are directly aligned. The loss of the older housing stock will have a direct correlation to displacement and increased rents. The Conservancy believes we need to achieve a greater and more-carefully calibrated balance in this Plan, as preservation of some existing resources does not foreclose the opportunity to increase density and the number of affordable housing units through new development.

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The Plan identifies twenty-nine separate goals, a majority focused on creating and promoting new development opportunities within the Boyle Heights community. While there are some goals focused on preservation and discouraging demolition of multi-unit housing stock, it is unclear how the existing tools and strategies will help achieve these desired outcomes. We believe there is a disparity between retention and new development within the Plan, with greater emphasis on the latter. While we appreciate proposed context-sensitive tools that will achieve sensitive infill design that responds to the existing look and feel of Boyle Heights, there are few tools that relate to or can address the need to retain existing buildings and community assets.

While the following goals are just some of those that emphasis preservation, retention and reuse of existing resources, we do not think the Plan goes far enough in offering strategies that actually help in these areas. Throughout our comments you will find specific recommendations to help align these goals with tangible tools that could be incorporated within the Plan, and prior to a revised Draft being presented to the City Planning Commission.

- LU 10.3 Promote efforts to safeguard legacy businesses and cultural institutions that reflect the history and character of Boyle Heights.
- LU 10.4 Develop programs and strategies that provide support to established commercial tenants facing closure due to rent increases.
- LU 1.4 Discourage permits from being issued for the demolition of multi-unit buildings until a project providing an equivalent or greater number of units is approved.
- LU 2.4 Prioritize preservation and maintenance of the existing multi-unit housing stock as the foundation of the community's affordable housing supply.
- LU 18.1 Prioritize the preservation and restoration of historic resources identified through the Los Angeles Historic Resources Survey (SurveyLA).



- LU 18.2 Protect individually significant historic resources and districts in Boyle Heights from demolition or adverse alteration.
- LU 18.5 Promote the restoration and reuse of vacant and/ or deteriorating historic buildings for new uses that benefit the community and reinforce the site’s historic and cultural legacy.
- LU 18.6 Promote the preservation of remaining examples of bungalow courtyard and garden apartment architecture.
- LU 18.7 Protect legacy businesses and cultural institutions from displacement.
- LU 19.1 Uphold the historic and cultural integrity of Cesar E. Chavez Avenue, also known as the historic “Brooklyn Avenue Neighborhood Corridor,” by promoting restoration and reuse of existing early 20th Century brick buildings.
- LU 20.2 Encourage the restoration and adaptive reuse of distinctive industrial architecture dating from the first half of the 20th century.
- LU 20.3 Support the adaptive reuse of the historic Sears building in a manner that preserves the architectural integrity of the structure as a landmark while incorporating uses that provide employment and economic benefits to Boyle Heights.
- LU 22.1 Support efforts to preserve and restore the rich inventory of murals found throughout Boyle Heights.

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II. Draft EIR should clearly identify and map surveyed historic resources and analysis of potential conflicts in the Boyle Heights Community Plan Update

Identifying eligible and known historic resources in the CPA is a crucial step in determining any potential conflicts with what is being proposed. The Draft EIR should include resources identified in the SurveyLA report for Boyle Heights, the Adelante Eastside Redevelopment Project Area Survey, and resources identified in the City’s Ethnic/Cultural Context Statements that are located within the Plan boundaries.

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We strongly encourage the inclusion of maps illustrating the locations of all identified historic resources, including existing and eligible HCMs, properties listed in or eligible for the National and California Registers, and potential historic districts. These should be overlaid with any proposed land use changes or any Floor Area Ratio (FAR) Incentive Area(s) put forth in the proposed Plan. Inclusion of such data in a user-friendly format will be useful for long-term planning purposes and balancing preservation and development priorities.

We request corrections to information contained in Table 4.4-1 “Historic Cultural Monuments (HCMs) within the Boyle Heights CPA.” This table includes three current “sites of” respective demolished historic properties, the 6th Street Wooden Bridge across Hollenbeck Park Lake, Residence at 1620 Pleasant Avenue, and the Sixth Street Bridge. The list should identify these properties as “sites of” demolished historic properties. The National Register-listed buildings in the CPA does not currently include the Japanese Hospital at 101 S. Fickett Street, and National Register district contributor Five Points Memorial, which consists of Morin Memorial Square and the Mexican American All Wars Memorial, located at the intersections of East Cesar E. Chavez Avenue, North Indiana Street, and North Lorena Street. Additionally, Wyvernwood Garden Apartments is not identified as a historic district listed on the California Register of Historic Resources.

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Recommendation: Survey findings should be included, expanded and fully articulated in a revised Boyle Heights Community Plan document, including detailed analysis that discusses potential

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conflicts. We would like to see this prior to the plan’s introduction and review at the City Planning Commission.

III. Expand Community Plan Implementation Overlay (CPIO) district, to broaden its effectiveness as a strong model for conserving historic residential neighborhoods

The Conservancy greatly appreciates the inclusion of policies and regulations aimed at protecting historic resources that have not been designated. The creation of a new CPIO District and incorporating findings from SurveyLA would strengthen protections for individual properties and neighborhoods under the California Environmental Quality Act (CEQA) by treating the demolition of eligible historic resources in certain subareas as a discretionary action.

In particular, the proposed CPIO Historic Preservation Subarea B in CPU creates a new set of tools for managing change in historic neighborhoods. The Subarea B - Historic Resources Subarea includes the 2nd Street Residential Historic District, Boyle Avenue Residential Historic District, Mount Pleasant Residential Historic District, St. Louis-Chicago Residential Historic District, and the Brooklyn Heights Residential Planning District, all determined eligible through SurveyLA. The CPIO Subarea B introduces new design review to guide the ongoing maintenance and rehabilitation of historic resources. Projects involving residential district contributors will be subject to additional design review by the Office of Historic Resources for compliance with the Secretary of the Interior’s Standards for Rehabilitation, in keeping with best practices for preservation. We recommend that commercial and institutional district contributors also be subject to additional design review to ensure that the comprehensive history of these districts is recognized. Policies outlined for CPIO Subarea B paves the way for HPOZ designation in the future, should residents desire additional guidelines and review. We are encouraged by the framework defined in the CPIO Historic Preservation Subarea B which we believe offers viable policies for neighborhood conservation. We recommend additional recommendations to ensure that historic multi-family residential, commercial, and industrial neighborhoods benefit from similar regulations.

In the proposed CPIO Subareas A and B, we recommend adding demolition and permit delays for projects where an existing structure is 45 years of age or older. This proposed change addresses community concerns related to the affordable housing shortage and displacement and is currently being considered as part of the South Los Angeles CPIO Amendment. Another anti-displacement policy that should be considered for CPIO Subareas A and B is if a Project will replace protected units, it must be replaced with units at a comparable, affordable rate. If no income documentation is available, extremely low-income level will be the default. This, too, is being considered as part of the South Los Angeles CPIO Amendment. Additionally, we support the proposed future implementation of Program 16 – No Net Loss Program to minimize the displacement of residents and ensure that there is no loss of affordable housing. This can be primarily achieved through the preservation and retention of existing affordable housing, and rent-stabilized (RSO) and covenanted units.

Recommendation: CPIO Historic Preservation Subarea B should be expanded to include the Stone Street Residential Historic District and Estrada Courts, which were identified in SurveyLA. Additionally, Hostetter Industrial District and 500-600 South Anderson Street Industrial Business District, both identified in the Adelante Eastside Redevelopment Project Area Survey, and identified California Register and National Register historic districts, including but not limited to Sears,



Roebuck, and Company Mail Order Building, Wyvernwood Garden Apartments, Santa Fe Hospital, and Five Points Memorial should be included.

To prioritize preservation and maintenance of the existing multi-family housing stock as the foundation of community’s affordable housing, we further ask that existing Bungalow Court and older and historic multi-family properties be considered for inclusion.

To ensure that the history of neighborhoods of Boyle Heights identified as historic or potentially historic in the City’s SurveyLA and Adelante Survey are recognized, we recommend that new zoning regulations, applied through character frontages of residential buildings in the area, also be applied to the respective district’s commercial and institutional contributors. In these instances, “Character Commercial 1” Frontage should be applied to historic commercial properties.

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To address the affordable housing shortage and displacement concerns, add demolition and permit delays for projects where an existing structure is 45 years of age or older in CPIO Subareas A and B. Additionally, in these areas, if a Project will replace protected units, it must be replaced with units at a comparable, affordable cost. If no income documentation is available, extremely low-income level will be the default.

IV. Ensure Adequate Height, Setback, and Character Frontage within the Brooklyn Avenue Neighborhood Corridor (HCM #590)

Context-sensitive growth occurs when there is a priority placed on maintaining the existing qualities and assets while also outlining where future compatible new development can occur. We believe the Boyle Heights Community Plan attempts to do this, especially within the Brooklyn Avenue Neighborhood Corridor (HCM #590). This is fundamental to the work of the Conservancy as we always strive to achieve a balance and “win-win” outcomes whenever possible.

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Like other historic neighborhoods throughout the city, the Brooklyn Avenue Neighborhood Corridor is increasingly under pressure by new development. Often this development is out-of-scale with its historic environment and chips away at the district’s integrity overtime. Further, this type of development places pressure on existing historic assets, and this will likely only escalate over time and within the “life” of the Boyle Heights Community plan if there are not tools put in place to help. Outside of the California Environmental Quality Act (CEQA) process, while noting its inherent limitations, we would not be able to prevent this from occurring.

It is important to preserve the historic neighborhoods of Boyle Heights and maintain a balance between existing and new development in certain areas of the CPA, therefore we support a two-story height limit and application of “Character Commercial 1” Frontage in this area. Maximum height building limitations offer a much-needed tool and mechanism to balance growth pressures. It is one tool to ensure the City is meeting its stated priority of preservation, by maintaining the existing and valued character that is provided through these historic districts. Further, requiring that compatible infill development employs façade elements such as vertical and horizontal banding, recessed windows, frequent entrances, and high transparency for ground floors will compliment other zoning regulations intended to preserve neighborhood identity and associated historic street frontage.

Recommendation: Support two-story height limit and application of “Character Commercial 1” Frontage in the Brooklyn Avenue Neighborhood Corridor. Beyond what is currently proposed for this



commercial corridor, we recommend the City consider additional tools to encourage the preservation and integration of existing historic resources in any proposed new infill development strategy. To this end, the Transfer Development Rights program discussed below may encourage preservation of existing historic resources.

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V. Continue to accommodate neighborhood amenities in residential zones, and encourage retention of longtime existing small businesses that strengthen the local economic base of the CPA

It is important to note that landmarking and historic district designation alone cannot ensure a preservation-based outcome or compatible development, as it is extremely limited in scope. As the neighborhoods of Boyle Heights contain a number of non-residential uses today, including many corner stores, or “tienditas,” we support the establishment of the “RX2” Use District, which allows limited introduction of non-residential uses into the residential neighborhoods.

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We also support the creation of the “CX5” Use District, which is intended to retain and support small businesses, namely along Cesar Chavez Avenue, but also in other areas throughout the CPA. We recommend this use district include a portion of First Street between Mathews and Fickett Streets where there is a concentration of small legacy businesses.

To enhance these retention strategies, we recommend a “Character Commercial I” Frontage be applied to commercial parcels in the “RX2” and “CX5” Use Districts.

Recommendation: Support the retention of existing longtime small businesses in the CPA through new zoning regulations and use districts. Additionally, the Conservancy recommends applying “Character Commercial I” Frontage to commercial properties in the RX2 and CX5 use districts.

VI. Balance transit corridor development through introduction of Transfer of Development Rights (TDR) tool

Transfer Development Rights (TDR) has been included in the Downtown Community Plan to promote the preservation of historic resources. Under the new TDR program in Downtown, donor sites would be allowed to sell unused floor area, up to a maximum Bonus FAR permitted in the From District to a receiver site within the Downtown Los Angeles CPA. City Planning should consider this tool in the Boyle Heights Community Plan, particularly as an incentive for reuse of eligible and designated properties along transit corridors, which are most vulnerable for redevelopment.

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Recommendation: The TDR program has been a successful tool for preservation in the past and the Conservancy recommends the City consider its implementation for individually eligible or district contributors along transit corridors in the Boyle Heights Community Plan. There should be flexibility embedded within the plan to adapt to changing market conditions, including applying the TDR program to other areas.

Conclusion:

As one of the City’s earliest suburbs, Boyle Heights has a long history of welcoming immigrants and providing a sense of place, belonging, and opportunity. Today, twenty-three percent of residents are

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homeowners, while the majority are renters and most vulnerable to rising rents, gentrification, and displacement. The Plan offers a number of new provisions as part of the re:code LA zoning and more contextual-based guidance.

With respect to preserving and celebrating Boyle Heights’ cultural heritage, a strong emphasis has been placed on ensuring new development is compatible with existing eligible residential historic districts and the designated Brooklyn Avenue Neighborhood Corridor (HCM #590) on Cesar Chavez Boulevard. While this approach is appreciated, it is limiting in its ability to preserve existing older and historic housing stock.

The Boyle Heights Community Plan also offers new zoning regulations, which allow limited introduction of non-residential uses into residential neighborhoods and new use districts intended to retain and support small businesses in the plan area. These retention strategies complement citywide efforts to preserve and maintain longtime businesses through the recently approved legacy business program.

The Conservancy is pressing for ways to strengthen these proposed provisions and additional aspects of the Boyle Heights Community Plan to support preservation. We strongly welcome the opportunity to continue working with City Planning to strengthen the Boyle Heights Community Plan, and prior to its review by the City Planning Commission. Thank you for all your hard work in crafting this plan and for your consideration of our recommendations.

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About the Los Angeles Conservancy:

The Los Angeles Conservancy is the largest local historic preservation organization in the United States, with nearly 5,000 members throughout the Los Angeles area. Established in 1978, the Conservancy works to preserve and revitalize the significant architectural and cultural heritage of Los Angeles County through advocacy and education.

Please do not hesitate to contact me at (213) 430-4203 or afine@laconservancy.org should you have any questions or concerns.

Sincerely,



Adrian Scott Fine
Senior Director of Advocacy

cc: Council District 14, Kevin de León
Office of Historic Resources
East L.A. Community Corporation (ELACC)



Letter 13

**Los Angeles Conservancy
Adrian Scott Fine, Senior Director of Advocacy
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Los Angeles, CA 90014**

Response 13-1

The commenter states that the Los Angeles Conservancy's comment letter is attached. The letter was received and is responded to below.

Response 13-2

The commenter provides a summary of the Proposed Plan. The comment is noted. No further response is required.

Response 13-3

The commenter provides a summary of the Boyle Heights history and an overview of the historic resources and historic controls in placed within the Plan Area. The comment does not present an environmental issue within the meaning of CEQA. No specific response is required. The comment will be included as part of the record and forwarded to the decision-makers for their review and consideration prior to any action being taken on the Proposed Plan.

Response 13-4

The comment relates to the goals in the Plan regarding historic resources. Refer to **Master Response 1: General Comments and Non-CEQA Issues**.

The Proposed Plan includes a number of policies and implementing tools that provide an expansion of protections for historical resources, including regulations for historic resource project review within the Boyle Heights CPIO District (Chapter III). Under the CPIO, in areas of the CPA with some of the highest concentrations of potentially eligible historical resources, future development that has the potential to impact a designated resources or resources eligible for designation will be required to conduct CEQA analysis to assess the impact to such individual historical resource(s) and to identify feasible mitigation measures and alternatives.

The conclusion that there will be a significant and unavoidable impact to historical resources is a conservative impact conclusion and based on the potential for redevelopment in the Boyle Heights CPA to impact historical buildings over the 20-year plan horizon, despite the Boyle Heights Community Plan's expansion of protections for historic resources, and is not because loss or damage is anticipated to any specific resource, or because the Boyle Heights Community Plan reduces or modifies any existing

protections. Significant impacts to individual historical resources are not evaluated by, or environmentally cleared by, the Proposed Plan's EIR.

Commenters provide no substantial evidence supporting the need for a revised analysis of historic resources or revised conclusions from those in the DEIR. Therefore, there is no basis for additional analysis and no further response is required (*State CEQA Guidelines* Section 15204(c)).

Consistent with *State CEQA Guidelines* Section 15064.5, the DEIR thoroughly analyzes if the Proposed Plan would have a significant impact to cultural resources and if the Proposed Plan could cause a substantial adverse change in the significance of a historical resource. The analysis of historical resources examines the likelihood that the Project could cause a substantial adverse change in the significance of a historical resource. The analysis of impacts of the Proposed Plan on historical resources is adequate and complies with the requirements of CEQA. The DEIR concludes on pages 4.4-36 to 4.4-40, that despite the incorporation of changes in the Boyle Heights Community Plan that would assist in the further protection of both designated and eligible historic resources, it is possible that demolition and/or significant alteration to some of the historical resources within the Plan Area could occur during the lifetime of the Boyle Heights Community Plan. Although there are no historical resources that are called for removal or alteration under the Boyle Heights Community Plan, development that would occur over the life of the Boyle Heights Community Plan has the potential to occur on, or adjacent to, historical resources. The Proposed Plan recognizes that there are a number of unique neighborhoods within the Boyle Heights Community Plan Area and seeks to maintain sensitivity to important cultural and architectural assets, while simultaneously supporting the Proposed Plan's broader goals to accommodate future housing, employment, and economic development. To further protect both designated and eligible historical resources, the Proposed Plan incorporates policies (EIR pages 4.4-36 to 4.4-38), implementation programs, and zoning regulations that require contextual development in historic districts through massing, facade, and building material regulations. This response provides supplemental information that does not constitute substantive new information and does not change the impact conclusions found in the DEIR.

Designated Historical Resources

The EIR does not limit or change the requirements or authority provided in CEQA for environmental review of future projects with regard to designated historical resources in the Community Plan Area (CPA). If a future individual discretionary project has the potential to result in a significant unmitigated adverse impact on an individual historical resource, an EIR, as well as adoption of a statement of overriding considerations, will be required. Designated historical resources include buildings or structures that have been officially designated on the National Register, on the California Register, or that have been included on the City's list of Historic-Cultural Monuments (HCMs). The Department of City Planning (DCP) will

continue to require and conduct project-specific CEQA review to evaluate potential impacts to such designated historical resources in connection with review of discretionary actions that are expected within the CPA and throughout the city. As discussed on page 4.4-31 of the EIR, any project proposals affecting HCMs require discretionary review pursuant to Los Angeles Administrative Code (LAAC) Section 22.171.14. Pursuant to the provisions in the Cultural Heritage Ordinance (CHO), the Office of Historic Resources (OHR) reviews all projects that have the potential to impact designated historical resources. Any project that involves a substantial alteration to a designated historical resource must comply with CEQA.

As discussed on page 4.4-32 of the EIR, if it is determined that loss or damage to a historical resource could occur from a requested permit on a building or structure that been officially designated or been determined by state or federal action to be eligible for designation, the City would conduct a CEQA analysis to determine if the impact is significant. Furthermore, the Department of Building and Safety may not issue a permit without there being complete CEQA documentation, analyzing the potential for there to be an impact to the historical resource(s). If impacts are determined to be significant, feasible mitigation measures and alternatives must be identified and implemented as appropriate to reduce the significant impact. If after mitigation the impact remains significant and unavoidable impact, then the decisionmaker must adopt a finding that specific economic, social or other considerations make infeasible the preservation of the building or structure (LAMC Section 91.106.4.5) as well as a statement of overriding considerations (*State CEQA Guidelines* Section 15093).

In addition to the CEQA review process, the OHR and the CHC review includes evaluation of all requests for demolition, substantial alteration or relocation of any HCM for conformance with the Secretary of the Interior's Standards for the Treatment of Historic Properties and the Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings. In instances where demolition is proposed, an additional report regarding the structural soundness of the building or structure and its suitability for continued use, renovation, restoration or rehabilitation from a licensed engineer or architect who meets the Secretary of the Interior's Professional Qualification Standards as established by the Code of Federal Regulations (CFR), 36 CFR Part 61, is required. It is extremely rare to lose an HCM, but since the first monument was designated in 1962, at least 40 of the City's approximately 1,200 monuments have been lost to fire, storms, relocation, alteration, and/or demolition.

The Boyle Heights Community Plan does not introduce any features that would preclude implementation of the existing policies or procedures, nor does the Plan alter these policies or procedures in the CHO in any way. All development involving designated historical resources are required to comply with mandatory review procedures. As discussed on page 4.4-40 of the DEIR, the OHR reports that it is extremely uncommon to lose City designated resources when a property owner has complied with the City's regulations.

Non-designated, Eligible Historical Resources

The EIR does not limit or change the requirements or authority provided in CEQA for environmental review of future projects with regard to eligible historical resources in the CPA. As indicated on EIR pages 4.4-32 to 4.4-36 in Section 4.4, Cultural Resources, eligible historical resources include a building, structure, object, site, landscape, natural feature, or historic district identified as eligible for listing either individually or as a contributor to a district under a local, state, or federal designation program through SurveyLA (the Los Angeles Historic Resources Survey), or another historic resource survey completed by a person meeting the Secretary of the Interior's Professional Qualification Standards for Historic Preservation and accepted as complete by the Director, in consultation with the OHR. The DCP will continue to require and conduct project-specific CEQA review to evaluate potential impacts to such historical resources as discretionary planning actions are expected within the CPA and throughout the city. If project-specific impacts are determined to be significant, feasible mitigation measures and alternatives will be required to be identified and implemented as appropriate to that specific project, in order to reduce the significant impact to the maximum extent feasible.

Resources identified as *potentially* eligible for listing on the National Register of Historic Places (National Register), the California Register of Historical Resources (California Register), or local listing or designation have the *potential* to be historically significant. As to ministerial projects, that would not otherwise require discretionary permits. CEQA review would only be required under 91.106.4.5 for building permits pulled for sites that have been designated as an HCM or otherwise officially designated or have been determined through state or federal action to be eligible for Designation on the National Register, as discussed on page 4.4-35 of the EIR. In most instances, a state or federal action to determine the eligibility of a resource results in a state designation. Otherwise, CEQA review is not required for building permits where no discretionary permit is required. Section 91.106.4.5.1 of the LAMC states that permits for the demolition of a building over 45 years old will not be issued unless abutting property owners and occupants, the applicable City Council Office, and the Certified Neighborhood Council Office representing the site, are provided with written notice of the demolition pre-inspection application via U.S. mail, and a public notice of application for demolition has been posted on a placard at the site at least 60 days prior to the date of issuance. The former notification and posting time period was a minimum of 30 days. This pre-demolition notification allows interested community members and stakeholders, the public or the City time to determine whether to nominate the potential resource as an HCM, and if nominated, to fully evaluate its potential as a resource. A demolition permit may not be issued for a building where the process to designate has been initiated. In February 2020, the City Council expanded the definition of initiation of the HCM designation to include the introduction of a Motion by a Member of the Council.

Boyle Heights Community Plan Implementation Overlay

CPIO Subarea B (Chapter III of the Boyle Heights CPIO District) identifies neighborhoods that have a uniquely high concentration of designated and eligible historic districts, as well as individual designated and eligible historic resources. The Boyle Heights CPIO includes procedural requirements to ensure that work done to a building or site that is an eligible historic resource is either a) done in a manner that would not compromise its eligibility, or b) that appropriate steps are taken in compliance with CEQA where any work proposed would have the potential to compromise its eligibility. Specifically, projects that comply with the Secretary of the Interior’s Standards for Rehabilitation are permitted a ministerial approval process per the CPIO. Projects that do not comply with the Secretary of the Interior’s Standards for Rehabilitation are required to undergo discretionary approval and are subject to CEQA.

CPIO Subarea B of the Boyle Heights Community Plan offers further protections aimed at the retention of structures that are eligible historic resources. Whenever demolition, or substantial interior demolition is proposed for a “contributing” structure within a designated National Register District, substantial findings must be made as to the economic viability of maintaining the existing structure, as compared to a new development, among others.

The Boyle Heights CPIO introduces demolition delay across Subarea B. A building permit must be approved for any replacement project before demolition occurs, thereby allowing the City to avoid preemptive demolition of potentially eligible historic resources.

Through the adoption process and at the request of the Cultural Heritage Commission and City Planning Commission, additional properties and resources have been added into Subarea B since July 2022. These include residential blocks near Hollenbeck Park, the historic Brooklyn Avenue Neighborhood Corridors (HCM #590) along Cesar E. Chavez Avenue, Anderson and Hostetter Industrial tracts, and Estrada Courts.

Collectively, the above provisions would ensure that rehabilitation of an eligible historic resource is done in a manner that would not compromise its eligibility, or that appropriate steps are taken in compliance with CEQA.

Compatible Zoning Regulations

The *City of Los Angeles General Plan* land use designations express a variety of goals, policies, and zoning regulations to reflect the relationship between land use, physical built form, and functional aspects that differentiate one area from another while contributing to identity and sense of place. The Boyle Heights Community Plan includes proposed zoning regulations for historic buildings and use patterns that reinforce the cultural legacies of the Boyle Heights neighborhoods.

The Proposed Plan applies a combination of regulations for Zoning Form Districts, Frontage Districts, and Use Districts that correspond to the City's *General Plan* land use designations in a tailored manner. These land use regulations reinforce varying built environments. Form District tools are used to prescribe context-sensitive Floor Area Ratios (FARs), and, in strategic places, height limitations or upper-story setbacks.

Other zoning regulations that emphasize unique neighborhood identity include an array of Frontage Districts that are paired with appropriate Form Districts to reinforce distinct features of each neighborhood. The Frontage District regulations also specify building placement in relation to the street to promote consistent street walls.

The Zoning Frontage Districts include more detailed development standards addressing building materials and architectural features, the arrangement and depth of fenestration, and floor-to-ceiling heights, among others, and are intended to guide new development in a manner that is compatible with the existing building form. In addition to more general Frontage Districts, areas with concentrations of identified or Eligible Historic Resources have been zoned with a Character Frontage that applies more development standards to areas with a defining architectural character.

EIR Conclusions Regarding Historical Resources

Despite the various existing protections for historical resources in the City and those proposed as part of the Community Plan update, the EIR conservatively concludes that impacts to historical resources would be significant and unavoidable because over the lifetime of the Boyle Heights Community Plan, it is possible that one or more historical resources may be lost by redevelopment occurring under the Proposed Plan. The Boyle Heights CPIO does not prohibit a property from being demolished, redeveloped, or altered so long as an applicant has gone through all necessary processes, including individual project environmental review. The conclusion in the EIR is that future development could result in significant and unavoidable impacts to historical resources under the Proposed Plan.

The fact that the EIR identifies the potential for a significant unavoidable impact to historical resources generally in the CPA, however, would not allow a developer to avoid project-specific CEQA process and environmental analysis of potential impacts to specific historical resources from subsequent development. Even under the streamlining tool for analysis of impacts of a project consistent with a community plan that was adopted with an EIR, CEQA requires the analysis to determine if there are impacts particular to the project or project site. (e.g., *State CEQA Guidelines* Section 15183[b][1]). Significant impacts to a historical resource in a proposed subsequent project would be an impact particular to a project site and specific project.

As stated previously, the EIR concludes that any potential impacts that could occur to designated historical resources in the Plan Area or designated and eligible historical resources in the CPIO would only take place after an applicant has gone through the environmental review process for their specific project. With respect to identification of additional mitigation measures appropriate to include in the EIR, page 4.4-40 of the EIR indicates that, “[a]s a policy matter, the City finds that requiring additional review of projects not in the CPIO or otherwise undergoing discretionary review is undesirable based on the requirements it would place on City resources and the delay it would result in for projects.” The EIR also states that as a policy matter, the City finds that it is undesirable to put additional regulations or processes on projects involving historical resources that are designated under the HCM, or subject to review by the proposed CPIO or other discretionary review. For these reasons, no feasible mitigation measures beyond the proposed policies and regulations in the Boyle Heights Community Plan, including the Boyle Heights CPIO, Zoning Form and Frontage Districts, and existing regulatory requirements (i.e., CEQA, Cultural Heritage Ordinance, etc.).

SB 330, the Housing Crisis Act, codified at Gov. Code 66300, prohibits cities from adopting non-objective design standards. However, policies are incorporated in the Boyle Heights Community Plan to encourage context sensitive infill development. Moreover, as described in detail in the previous paragraphs, many of the proposals suggested by the commenters such as regulations to ensure compatible infill development; height limits and transitional height requirements; and incentives for preservation of historic buildings in the form adaptive reuse are proposed as part of the Plan.

As previously stated, it is possible that one or more historical resources could be lost by redevelopment occurring under the Boyle Heights Community Plan. For informational purposes, it is noted that the impact to historical resources would not be any different from what would occur under the existing plans or likely, any adopted general plan or zoning update. Therefore, as concluded in the EIR, the impact to historical resources is significant and unavoidable and no feasible mitigation measures have been identified to prevent the loss or significant alteration of any designated resource that would reduce the impact to a less than significant level.

Conclusion

The conclusion that the Proposed Plan would result in a significant and unavoidable impact to historical resources is based on reasonably foreseeable development consistent with the Plan. As indicated on page 4.4-39 of the EIR:

While the Office of Historic Resources reports that it is extremely uncommon in the City to lose designated historical resources when a property owner has complied with the City’s regulations, the

Cultural Heritage Ordinance cannot prevent a property from being demolished or redeveloped or prevent structures from being altered. Rather, these ordinances provide for processes, including environmental review, but do not prohibit demolition. Therefore, even though the Boyle Heights Plan incorporates changes that would assist in further protecting both designated and eligible historical resources, it is possible that demolition and/or significant alteration to some of the hundreds of historical resources within the Plan Area would occur during the lifetime of the Boyle Heights Plan.

As noted on page 4.4-39 of the EIR, development that would occur over the lifetime of the Boyle Heights Community Plan has the potential to occur on, or adjacent to, historical resources. Development can impact historical resources either through direct effects (e.g., demolition or alteration of a historical resource's physical characteristics that convey its historical significance, such as incompatible facade changes) or through indirect effects to the area surrounding a resource (e.g., creating a visually incompatible structure adjacent to a historical structure). The Boyle Heights Community Plan provides additional protections for historical resources, particularly eligible historic resources. In addition, even without the Boyle Heights Community Plan, pressure exists to redevelop parcels, especially adjacent to transit systems, including the four fixed rail stations within the Boyle Heights Community Plan Area. As discussed on page 4.4-38 of the EIR, the Boyle Heights Community Plan does not introduce any features that would preclude implementation of or alter existing regulations that designated resources are subject to, including the City's Cultural Heritage Ordinance regulations. As discussed above and on pages 4.4-39 of the EIR, all proposed changes to HCM designated historical resources would be required to comply with mandatory review procedures. In areas with an abundance of eligible and designated historic resources, the Boyle Heights CPIO includes procedural requirements applied to select areas to ensure that work done to a building or site that is an Eligible Historic Resource is done in a manner that would not compromise its eligibility, or that appropriate steps are taken in compliance with CEQA when any proposed work would compromise its eligibility.

Existing regulatory measures (i.e., Cultural Heritage Ordinance and LAMC Section 91.106.4.5) will continue to protect historical resources. The Boyle Heights Community Plan would result in a significant and unavoidable impact to historical resources; however, through the CPIO and zoning tools, regulatory measures would reduce the likelihood of adverse impacts to both designated and potentially eligible historical resources. Furthermore, because CEQA review for the demolition of certain eligible resources is required, if impacts are determined to be significant, feasible mitigation measures and alternatives must be identified and implemented to reduce the significant impact, or an EIR must be prepared, as well as a statement of overriding considerations adopted pursuant to *State CEQA Guidelines* Section 15093. In summary, the Boyle Heights Community Plan strives to protect historical resources through policies,

regulatory zoning, and review processes; however, these protections will not ensure that historical resources will not be lost or altered during the lifetime of the Boyle Heights Community Plan.

Response 13-5

The commenter requests the inclusion of maps illustrating the locations of all identified historic resources overlaid with any proposed land use changes. The commenter is referring to Pages 4.4-1 and 4.4-12 of the EIR which includes maps illustrating historical resources in the CPA including resources identified by SurveyLA. The Boyle Heights Community Plan land uses changes are shown on pages 3.0-37 through 3.0-48. Refer to **Response 13-4**, above, regarding detailed discussion on the zoning tools to reinforce the historic and cultural neighborhoods as well as procedures in the CPIO to encourage preservation of historic resources.

Response 13-6

The commenter requests that Table 4.4-1 be corrected to include three sites of demolished resources. The commenter also requests the removal of the Japanese Hospital at 101 S. Fickett Street, and the addition of the Five Points Memorial.

The Japanese Hospital is a City Declared Historic-Cultural Monument, adopted in 2016. See **Chapter 2.0, Corrections and Additions**, for this revision made to Section 4.4, Cultural Resources (for p 4.4-13).

Response 13-7

The commenter suggests that SurveyLA data, findings, and analyses should be incorporated into the Boyle Heights Community Plan. The data, findings, and analysis of SurveyLA are incorporated into the Boyle Heights Community Plan's specific land use and zoning recommendations that require contextual development in historic districts through massing, facade, and building material regulations. The Proposed Plan applies a combination of regulations for Zoning Form Districts, Frontage Districts, and Use Districts to reinforce varying built environments. Form District tools are used to prescribe context-sensitive Floor Area Ratios (FARs), and, in strategic places, height limitations or upper story step-backs. Please see **Response 13-4**, above, regarding a detailed discussion on the zoning tools to reinforce the historic and cultural neighborhoods as well as procedures in the CPIO to encourage preservation of historic resources, including those identified through SurveyLA.

Information from SurveyLA is included in *Section 4.4, Cultural Resources*, of the EIR. SurveyLA data is managed and published by staff of the Office of Historic Resources within the DCP. SurveyLA reports, maps, and figures can be found on the DCP Website in both PDF and interactive map form. Hard copies are available on request. The Boyle Heights Community Plan incorporates regulations that will assist in further protecting both eligible and designated historic resources identified under Survey LA. (See EIR at

4.4-39 to 42.) The Boyle Heights Community Plan introduces a new process that requires historical resource review of projects involving a majority of eligible historic resources identified in SurveyLA, including 131 resources that are individually eligible. See Appendix F, Chapter V, Historic Resources Subarea B, of the Boyle Heights CPIO for details regarding this program. In addition, the Boyle Heights Community Plan includes a program to establish Historic Preservation Overlay Zones (HPOZs) or other conservation district overlays for eligible areas of Boyle Heights identified in the findings of the Los Angeles Historic Resources Survey. Nevertheless, the DEIR conservatively concludes that the Proposed Plan would result in a significant and unavoidable impact related to historical resources based on the 20 plus year plan horizon. See the discussion under Impact 4.4-1 in Section 4.4, Cultural Resources, of the EIR for additional detail.

Response 13-8

The commenter recommends that commercial and institutional district contributors also be subject to additional design review to ensure that the comprehensive history of these districts is recognized. The commenter recommends CPIO Historic Preservation Subarea B should be expanded to include several resources identified in SurveyLA.

Please see **Master Response 1: General Comments and Non-CEQA Issues** and **Response 13-4**. The recommendation that Commercial and institutional district contributors also be subject to additional design review and the recommendation that CPIO Subarea B be expanded expresses an opinion related to the City policies and Proposed Plan and do not relate to the adequacy of the analysis included in the EIR. However, based on the comments received during the October 2022 public hearing comment period, the Cesar E. Chavez Historic Brooklyn Avenue Neighborhood Corridor commercial district, the Hostetter Industrial District, and the South Anderson Street Industrial Business District have been included in Subarea B. Additionally, at its April 20, 2023 meeting, the City Planning Commission also recommended the inclusion of Estrada Courts to CPIO Subarea B. The Department of City Planning (DCP) will continue to require and conduct project-specific CEQA review to evaluate potential impacts to such designated historical resources in connection with review of discretionary actions that are expected within the CPA and throughout the city.

The commenter recommends changes to the Boyle Heights Community Plan and does not raise issues with the EIR. However, to the extent the comment raises questions about the accuracy of the project analyzed in the EIR related to Cultural Resources, the following response is provided.

To address affordable housing and displacement concerns, the commenter recommends adding demolition and permit delays for projects where an existing structure is 45 years of age or older in CPIO Subareas A and B. The EIR did not identify significant impacts related to affordable housing or displacement. As stated on page 4.12-24 of the Draft EIR, loss of affordable housing and displacement of low-income renters is a

social and economic impact, which is not a CEQA impact unless it results in an indirect physical impact.⁴ Further, page 4.12-33 acknowledges that displacement may occur over the lifetime of the plan as new investment is made in the CPA, however, there is no industry standard methodology available to forecast transportation, air, noise, or other impacts associated with people who have moved out of the CPA. The City has adopted several citywide responses to help relieve pressures on the housing supply (e.g., Affordable Housing Linkage Fee, Accessory Dwelling Units Ordinance, Unapproved Dwelling Unit Ordinance, TOC, etc.) and the State of California has recently passed several state laws to address the housing crisis. Recent state laws such as AB 1482, also set forth requirements for landlords to have a “just cause” in order to terminate a tenancy and limits to annual rent increases.⁵

As discussed in Section 4.12.3, Regulatory Framework, of the Draft EIR, the City has adopted regulations and policies that require or incentivize the provision of affordable housing in new development projects that apply citywide. As discussed in Section 4.12.3, Regulatory Framework, of the Draft EIR, these policies include the Density Bonus Ordinance (LAMC Section 12.22 A.25) and affordable housing mandates included in Proposition JJJ. The Density Bonus Ordinance would incentivize the provision of affordable and/or senior housing units in new development projects by offering projects that provide these units additional floor area ratios. Proposition JJJ includes a measure requiring new development projects requesting a zone change or general plan amendment in the City to designate a certain percentage of condos and apartments in new residential buildings for low-income tenants. Per the Affordable Housing Linkage Fee Ordinance, certain new market-rate residential and commercial developments are required to pay a fee that goes towards funding affordable housing.

Further, the Proposed Plan includes affordable housing incentives through the community benefit program. Incentives for affordable housing are proposed at designated transit nodes and corridors which allow development to qualify for up to 3:1 or 4:1 FAR when mixed income housing units are included, and additional FAR when a development provides 100% affordable housing. Refinements to zoning regulations are proposed along both transit nodes and corridors to enable more opportunities for mixed income and affordable housing developments within walking distance of transit and commercial uses.

Lastly, the commentator suggests a permit delay for structures 45 years and older but does not provide substantial evidence for how such measures address either affordable housing or displacement issues. Therefore, as no significant impacts were identified related to displacement or affordable housing, and the

⁴ *Porterville Citizens for Responsible Hillside Dev. v City of Porterville* (2007) 157 CA4th 885, 903 (claimed impact of new homes on existing home values is economic impact). Available online at: <https://casetext.com/case/porterville-citizens-v-porterville>.

⁵ City of Los Angeles, Housing Department. AB 1482 – State Rent Control. Available online at: <https://housing.lacity.org/residents/ab-1482>.

City has plans in programs in place Citywide and specific to the CPA that would address these issues, the additional, the suggested measure is not required. The City also finds that the specific mitigation measure of denying demolition permits where an existing structure is 45 years or older is infeasible and undesirable. The City's Demolition Ordinance is already in place and currently requires notification for any demolition permit of a structure older than 45 years of age, and notification is required at least 30 days before the issuance of a demolition permit. The City's Cultural Heritage Ordinance requires that all projects that include a designated Historic Cultural Monument or discretionary projects that include eligible historical resources be subject to the Office of Historic Resources review. The City finds that including any additional processes, including additional delay for demolition permits, is not feasible as it would not result in an efficient use of City resources. Further delays to the issuance of demolition permits would not reduce the impacts on historical resources to a less than significant level.

Response 13-9

The comment recommends changes to the Boyle Heights Community Plan and does not raise issues with the EIR. However, to the extent the comment raises questions about the accuracy of the project analyzed in the EIR related to Cultural Resources, the following response is provided.

In CPIO areas A and B, the commenter suggests that if a Project will replace protected units, it must be replaced with units at a comparable, affordable cost. As discussed, in **Response 13-4**, above, potential impacts to historic resources, including resources 45 years of age or older, will be subject to relevant City and State policies.

The commenter recommends Height, Setback, and application of "Character Commercial 1" Frontage within the Brooklyn Avenue Neighborhood Corridor.

The Boyle Heights Community Plan includes Policy LU 19.1, which promotes the restoration and reuse of existing early 20th Century brick buildings in the Brooklyn Avenue Neighborhood Corridor; and Policy LU 19.2, which reinforces the visual rhythm and underlying historic development pattern of the overall street through narrow shopfront bays, recessed entrances, and storefront awnings. These policies ensure that future growth in this area is context-sensitive.

The commenter recommends a two-story height limit and application of "Character Commercial 1" Frontage in the Brooklyn Avenue Neighborhood Corridor. As discussed under Response 13-13, Policy LU 19.1 and 19.2 would ensure that future growth in this area is context-sensitive. The Zoning does apply a two-story height limit, with an additional two stories with provision of affordable housing units, and the "Character Commercial 1" Frontage along the Brooklyn Avenue Neighborhood Corridor.

Please see **Master Response 1: General Comments and Non-CEQA Issues** and **Response 13-4**. The recommendation of a Character Commercial Frontage on the Brooklyn Avenue Neighborhood Corridor expresses an opinion related to the City policies and Proposed Plan and do not relate to the adequacy of the analysis included in the EIR. The commenter's statements will be forwarded to the decision-makers for their consideration prior to taking any action on the Proposed Plan.

Response 13-10

The commenter recommends retention of existing longtime small businesses in the CPA through new zoning regulations and use districts. Additionally, the commenter makes additional recommendation regarding the Proposed Plan.

Please see **Master Response 1: General Comments and Non-CEQA Issues** and **Response 13-4**. The recommendation of retaining longtime small businesses in the CPA through zoning and RX2 and CX5 use districts, and Character Commercial Frontages application to commercial properties, expresses an opinion related to the City policies and Proposed Plan and do not relate to the adequacy of the analysis included in the EIR. The commenter's statements will be forwarded to the decision-makers for their consideration prior to taking any action on the Proposed Plan.

Response 13-11

The commenter recommends the introduction of Transfer Development Rights (TDR) tool to support preservation efforts. Please see **Master Response 1: General Comments and Non-CEQA Issues** and **Response 13-4**. The City finds that the specific mitigation measure of a TDR program in Boyle Heights is infeasible and undesirable. Implementing a TDR program can be complex and within the context of Boyle Heights there may be a limited number of receiver sites. Additionally, since TDR is a market-based tool projects may opt to use the Boyle Heights Community Benefits Program to provide on-site affordable housing units for additional density and FAR. The Proposed Plan, through the Boyle Heights CPIO, includes project review procedures for eligible historic resources within the CPIO Subarea B. In addition, the City's Cultural Heritage Ordinance requires that all projects that include a designated Historic Cultural Monument or discretionary projects that include eligible historical resources be subject to the Office of Historic Resources review. The City finds that including the TDR tool as an additional preservation tool and process would be infeasible and undesirable and would not reduce the impact on historical resources to a less than significant level.

Response 13-12

The comment is a set of general closing remarks. No response is required.



Ernesto Gonzalez <ernesto.a.gonzalez@lacity.org>

Boyle Height Community Plan Update - ENV-2016-2906-EIR

2 messages

Lucy G <garcialh3@gmail.com>
 To: boyleheightsplan@lacity.org

Tue, Oct 11, 2022 at 5:07 PM

Good Afternoon Mr. Ernesto Gonzalez,

The Boyle Heights Community Plan should not be accepted. This Proposed land use and Designations and Zoning will implement new ordinances which will allow them to build more affordable housing. Boyle Heights already has many affordable housing and projects that are being completed. The impact of being rezoned the first time has been a negative one. The residents struggle to find parking and the traffic is horrible. The Environmental Effects should be alarming . Boyle Heights already has the worst pollution because of the surrounding freeways and is contaminated due to Exxon. If this proposal passes according to the "Draft EIR " the air quality will exceed the criteria pollutants and residents will be exposed to Toxic Air Contaminants. Which Toxins are not listed or what affect it will have on the community. Boyle Heights is not an affluent community and we should and that is not a reason to be the solution to end the housing problem. We were rezoned once and that should be enough. Our community was not informed of the rezoning and how it would impact the community in years to come.

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Sincerely,
 Lucia Garcia
 (323)803-8554

Ernesto Gonzalez <ernesto.a.gonzalez@lacity.org>
 To: Lucy G <garcialh3@gmail.com>
 Cc: boyleheightsplan@lacity.org

Tue, Oct 11, 2022 at 5:14 PM

Hello Lucy,

Thank you for your comment, it has been received and filed.



Ernesto Gonzalez
 Pronouns: He, His, Him
 Planning Assistant
Los Angeles City Planning
 200 N. Spring St., Room 667
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 T: (213) 978-1304 | Planning4LA.org



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Letter 14**Lucia Garcia****Response 14-1**

The comment expresses an opinion opposed to the project and does not raise an environmental issue with the DEIR.

Response 14-2

The commenter expresses concern over traffic and parking impacts that may be caused by the proposed land use changes. While LOS metrics are no longer used under CEQA to evaluate impacts, they may be used as part of the planning process. As discussed under Impact 4.15-3 in *Section 4.15, Transportation and Traffic*, impacts to Level of Service would worsen with the Proposed Plan compared to Existing Conditions, and the number of roadway segments operating at LOS E or F would also increase in comparison to Existing Conditions. However, traffic in the CPA is anticipated to increase in conjunction with regional population, housing, and employment growth projected to occur in the future by SCAG. This growth will occur with or without implementation of the Proposed Plan. The Proposed Plan would situate housing in close proximity to transit, thereby reducing vehicle miles traveled. The Plan also proposes policies to enhance pedestrian, bicycle and transit connections throughout the community.

Parking is not considered a CEQA topic unless it results in secondary impacts (which the commenter has provided no evidence for the existence of secondary impacts). However, the Plan aims to ensure that automobile parking is safe and efficient to serve residents and businesses. The Plan supports the creation of parking management districts and recommends flexible parking requirements and pricing based on demand to encourage efficient turnover of parking spaces.

Response 14-3

The commenter expresses concerns regarding exposure to existing air quality conditions associated with surrounding freeways and exposure to existing toxic air contaminants associated with Exide.

Page 4.2-53 of the DEIR appropriately characterized potential air quality and associated health risks from existing conditions in the Plan Area. As stated therein, the California Supreme Court ruling in *California Building Industry Association vs. Bay Area Air Quality Management District* (December 17, 2015) held that, “agencies subject to CEQA generally are not required to analyze the impact of existing environmental conditions on a project’s future users or residents. But when a proposed project’s risks exacerbate those environmental hazards or conditions that already exist, an agency must analyze the potential impact of such hazards on future residents or users. In those specific instances, it is the project’s impact on the environment – and not the environment’s impact on the project – that compels an evaluation of how future residents or users could be affected by exacerbated conditions.” Assessing air quality and associated health

risks from existing conditions equates to assessing the environment's impact on the project. The California Supreme Court ruled that this analysis would not be consistent with CEQA. The Draft EIR for the Proposed Plan identifies daily VMT per service population would decrease by 36% (Draft EIR p. 4.14-52). Further, as discussed in the air quality analysis, in future years overall emissions from vehicles would decrease. While total daily VMT would increase from existing conditions to 2040 with Proposed Plan conditions, per capita VMT for the service population (residents and employees) would decrease by approximately 18% from 26.3 to 21.6 (see DEIR Section 4.14, Transportation). The increase in total VMT can be attributed to ambient regional growth, as well as the increases in households and employment in the CPA resulting from implementation of the Proposed Plan, which are described in Section 4.12, Population, Housing, and Employment, of the Draft EIR. (Draft EIR p. 4.2-42) Relative to existing conditions, daily emissions of NO_x, CO, and sulfur oxide (SO_x) would be lower under the Proposed Plan condition in 2040. Daily PM₁₀ and PM_{2.5} emissions would be higher than those estimated under existing conditions predominantly due to brake wear, tire wear, and road dust emissions that increase with additional VMT; however, the incremental increase in daily emissions would remain below the SCAQMD regional air quality significance thresholds for PM₁₀ and PM_{2.5}. The difference in daily CPA VOC emissions between existing conditions and the Proposed Plan in 2040 would exceed the applicable SCAQMD mass daily threshold. The increase in VOC emissions from area sources is predominately attributed to the use of consumer products, such as deodorants, hair sprays, cleaning products, spray paint, solvents, and insecticides (Draft EIR p. 4.2-43).

Response 14-4

The commenter expresses a general opinion regarding rezoning. The Boyle Heights Community Plan Update takes cues from the City's *General Plan*, particularly from its Framework Element, which describes the City's long-term growth strategy. The update builds on Boyle Heights' diverse historic character and history and will apply new zoning tools. The current Boyle Heights Community Plan was adopted in 1998. The needs of the City and its residents have changes greatly over the last 24 years. The priorities of the Boyle Heights Community Plan Update are:

- Reflecting preferred future growth patterns in the area;
- Encouraging wise growth;
- Identifying appropriate locations for new development;
- Addressing prevailing neighborhood and community issues; and
- Protecting residential neighborhoods from development that is out of character and scale.

Response 14-5

The comment relates to outreach regarding the Proposed Plan. As discussed in Response 13-4, above, the Boyle Heights planning process began in 2012 by gathering data and community input. Outreach was

conducted over several years through workshops, open houses, and community meetings. A draft plan was released in 2020, and the City solicited community feedback. An updated draft plan was released in 2022. The most recent public information session was held on October 27, 2022.



Ernesto Gonzalez <ernesto.a.gonzalez@lacity.org>

Boyle Heights Community Plan Update-ENV-2016-2906EIR. Regarding a discrepancy EXIDE not Exxon

2 messages

garcialh3@gmail.com <garcialh3@gmail.com>
To: boyleheightsplan@lacity.org

Fri, Oct 14, 2022 at 8:38 AM

Good morning Ernesto Gonzalez,

I recently submitted a Comment where I stated that Boyle Heights was contaminated by Exxon. I need to correct the mistake I meant Exide. I was rushing to meet the deadline that I didn't have time to reread. When I shared my comment to a friend she's the one who caught the discrepancy. I would greatly appreciate if this email can be attached to the comment that I submitted on Tuesday October 11,2022. To rectify the mistake and I apologize to Exxon for the implication and honest mistake. I know that the deadline has past but once again I would appreciate if this comment can be attached to the original. Thank you. Please feel free to contact me.

1

Sincerely,

Lucia García
(323)803-8554

Sent from my iPhone

Ernesto Gonzalez <ernesto.a.gonzalez@lacity.org>
To: garcialh3@gmail.com
Cc: boyleheightsplan@lacity.org

Fri, Oct 14, 2022 at 8:45 AM

Hello Lucia,

Thank you for the clarification, it will be noted.



LOS ANGELES
CITY PLANNING

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Letter 15

Lucia Garcia
October 14, 2022

Response 15-1

The commenter issues a correction on Letter 14 to correct “Exxon” to “Exide.” The comment does not present an environmental issue within the meaning of CEQA. No specific response is required. The comment will be included as part of the record and forwarded to the decision-makers for their review and consideration prior to any action being taken on the Proposed Plan.

4.0 MITIGATION MONITORING PROGRAM

4.1 INTRODUCTION

The Mitigation Monitoring Program (MMP) has been prepared in conformance with Section 21081.6 of the California Environmental Quality Act (CEQA). It is the intent of this program to: (1) verify satisfaction of the required mitigation measures of the EIR (EIR); (2) provide a methodology to document implementation of the required mitigation measures; (3) provide a record of the Monitoring Program; (4) identify monitoring responsibility; (5) establish administrative procedures for the clearance of mitigation measures; (6) establish the frequency and duration of monitoring; and (7) use existing review processes wherever feasible.

This MMP describes the procedures for the implementation of the mitigation measures adopted for the Proposed Plan. The MMP for the Proposed Plan will be in place through the planning horizon of the Plan (2040) or until the Plan and EIR are updated again, whichever is later. The City of Los Angeles Department of City Planning (DCP) staff and staff of other City Departments (e.g., Department of Building and Safety) shall be responsible for administering the MMP activities or delegating them to consultants, or contractors. The Monitoring or Enforcing Agencies identified herein, at their discretion, may require a project applicant or operator to pay for one or more independent environmental monitor(s) to be responsible for monitoring implementation of mitigation measures (e.g., City building inspector, project contractor, certified professionals, etc., depending on the requirements of the mitigation measures) required of project applicants or operators. Monitors would be hired by the City or by the applicant or operator at the City's discretion.

Each mitigation measure is identified in **Table 4.0-1, Mitigation Monitoring Program Matrix**, and is categorized by environmental topic and corresponding number with identification of:

- The Implementing Party or Agency – this is in most cases, the applicant for individual projects who will be required to implement most of the measures.
- The Enforcement and Monitoring Entity – this is the entity or entities that will monitor each measure and ensure that it is implemented in accordance with this MMP.
- Monitoring Phase and Monitoring Actions – this is the timeframe that monitoring would occur and the criteria that would determine when the measure has been accomplished and/or the monitoring actions to be undertaken to ensure the measure is implemented.

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

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

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

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

- Provide for the modification or a deletion of an environmental standard or protection measure subject to the following: The development project shall be in substantial conformance with the environmental standard contained in CPIO. The Planning Director may determine substantial conformance with the environmental standard in his or her reasonable discretion. If the Planning Director cannot find substantial conformance, an environmental standard may be modified or deleted if the Planning Director, or the decision maker for a subsequent discretionary project related approval, complies with CEQA Guidelines, including sections 15162 and 15164, by preparing an addendum or subsequent environmental clearance to analyze the impacts from the modifications to or deletion of the

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

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

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

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

**Table 4.0-1
Mitigation Monitoring Program Matrix**

Mitigation Measure	Monitoring Phase and Monitoring Actions ¹	Implementing Party	Enforcement and Monitoring Entity
Impact – Air Quality			
<p>MM AQ-1: Dust Control Compliance with SCAQMD Rule 403</p> <p>a. Applicability Threshold: Any project whose construction activities involve the use of construction equipment and require a permit from LADBS.</p> <p>b. Standard: Consistent with SCAQMD Rule 403, best available dust control measures shall be implemented during Ground Disturbance Activities and active construction operations capable of generating dust.</p>	<p>Prior to issuance of grading or building permits submittal of plans with measure on plans, collection of acknowledgement by owner and notice to contractors; subject to inspection by DBS; maintenance of records of compliance for at least five years after issuance of certificate of occupancy; enforcement of violations available through LAMC at City discretion.</p>	<p>Applicant for individual project</p>	<p>City of Los Angeles, Department of Building and Safety</p>
<p>MM AQ-2: Equipment Maintenance</p> <p>a. Applicability Threshold: Any project whose construction activities involve the use of construction equipment and require a permit from LADBS.</p> <p>b. Standard: Maintain construction equipment in good, properly tuned operating condition, as specified by the manufacturer, to minimize exhaust emissions. Documentation demonstrating that the equipment has been maintained in accordance with the manufacturer’s specifications shall be maintained per the proof of compliance requirements for a minimum of five years after the Certificate of Occupancy is issued.</p> <p>All construction equipment shall achieve emissions reductions that are no less than what could be achieved by a Tier 3 diesel emission control strategy for a similarly sized engine as defined by CARB regulations.</p>	<p>Prior to issuance of grading or building permits submittal of plans with measure on plans, collection of acknowledgement by owner and notice to contractors; subject to inspection by DBS; maintenance of records of compliance for at least five years after issuance of certificate of occupancy; enforcement of violations available through LAMC at City discretion.</p>	<p>Applicant for individual project</p>	<p>City of Los Angeles, Department of Building and Safety</p>
<p>MM AQ-3: Vehicle Idling Limit and Notification Signs</p> <p>a. Applicability Threshold: Any project whose construction activities involve the use of construction equipment and require a permit from LADBS.</p> <p>b. Standard: Vehicle idling during construction activities shall be limited to five minutes as set forth in the California Code of Regulations, Title 13, Section 2449. Signs shall be posted in areas where they will be seen by vehicle operators stating idling time limits.</p>	<p>Prior to issuance of grading or building permits submittal of plans with measure on plans, collection of acknowledgement by owner and notice to contractors; subject to inspection by DBS; maintenance of records of compliance for at least five years after issuance of certificate of occupancy; enforcement of violations available through LAMC at City discretion.</p>	<p>Applicant for individual project</p>	<p>City of Los Angeles, Department of Building and Safety</p>

Mitigation Measure	Monitoring Phase and Monitoring Actions ¹	Implementing Party	Enforcement and Monitoring Entity
<p>MM AQ-4: Non-Diesel Fueled Electrical Power</p> <p>a. Applicability Threshold: Any project whose construction activities involve the use of construction equipment and require a permit from LADBS.</p> <p>b. Standard: Electricity from power poles rather than temporary gasoline or diesel-powered generators shall be used To the Extent Available and Feasible.</p>	<p>Prior to issuance of grading or building permits submittal of plans with measure on plans, collection of acknowledgement by owner and notice to contractors; subject to inspection by DBS; maintenance of records of compliance for at least five years after issuance of certificate of occupancy; enforcement of violations available through LAMC at City discretion.</p>	<p>Applicant for individual project</p>	<p>City of Los Angeles, Department of Building and Safety</p>
<p>MM AQ-5: Emissions Standards for Off-Road Construction Equipment Greater than 50 Horsepower</p> <p>a. Applicability Threshold: Any project whose construction activities involve the use of construction equipment, require a permit from LADBS, and involve at least 5,000 cubic yards of on-site cut/fill on any given day.</p> <p>b. Standard: All off-road diesel-powered construction equipment equal to or greater than 50 horsepower shall meet the U.S. Environmental Protection Agency’s (U.S. EPA) Tier 4 emission standards during construction. Operators shall maintain records of all off-road equipment associated with Project construction to document that each piece of equipment used meets these emission standards per the proof of compliance requirement for a minimum of five years after the Certificate of Occupancy is issued.</p> <p>In lieu of compliance with the above requirement, an air quality study prepared in accordance with the SCAQMD’s Air Quality Handbook may be provided by the Applicant or Owner demonstrating that Project construction activities would not exceed the SCAQMD’s regional and localized construction thresholds.</p>	<p>Prior to issuance of grading or building permits submittal of plans with measure on plans, collection of acknowledgement by owner and notice to contractors; subject to inspection by DBS; maintenance of records of compliance for at least five years after issuance of certificate of occupancy; enforcement of violations available through LAMC at City discretion.</p>	<p>Applicant for individual project</p>	<p>City of Los Angeles, Department of Building and Safety</p>
<p>MM AQ-6: Use of Low Polluting Fuels</p> <p>a. Applicability Threshold: Any project whose construction activities involve the use of construction equipment, require a permit from LADBS, and involve at least 5,000 cubic yards of on-site cut/fill on any given day.</p> <p>b. Standard: Construction equipment less than 50 horsepower shall use low polluting fuels (i.e., compressed natural gas, liquid petroleum gas, and unleaded gasoline).</p> <p>In lieu of compliance with the above requirement, an air quality study prepared in accordance with the SCAQMD’s Air Quality Handbook may be provided by the Applicant or Owner demonstrating that Project construction activities would not exceed the SCAQMD’s regional and localized construction thresholds.</p>	<p>Prior to issuance of grading or building permits submittal of plans with measure on plans, collection of acknowledgement by owner and notice to contractors; subject to inspection by DBS; maintenance of records of compliance for at least five years after issuance of certificate of occupancy; enforcement of violations available through LAMC at City discretion.</p>	<p>Applicant for individual project</p>	<p>City of Los Angeles, Department of Building and Safety</p>

Mitigation Measure	Monitoring Phase and Monitoring Actions ¹	Implementing Party	Enforcement and Monitoring Entity
<p>MM AQ-7: Emission Standards for On-Road Haul Trucks</p> <p>a. Applicability Threshold: Any project whose construction activities involve the use of construction equipment, require a permit from LADBS, and involve more than 90 round-trip haul truck trips on any given day for demolition debris and import/export of soil.</p> <p>b. Standard: Construction haul truck operators for demolition debris and import/export of soil shall use trucks that meet the California Air Resources Board’s (CARB) 2010 engine emissions standards at 0.01 g/bhp-hr of particulate matter (PM) and 0.20 g/bhp-hr of nitrogen oxides (NOX) emissions. Operators shall maintain records of all trucks associated with Project construction to document that each truck used meets these emission standards per the proof of compliance requirements in Subsection I.D.6.</p> <p>In lieu of compliance with the above requirement, an air quality study prepared in accordance with the SCAQMD’s Air Quality Handbook may be provided by the Applicant or Owner demonstrating that Project construction activities would not exceed the SCAQMD’s regional and localized construction thresholds.</p>	<p>Prior to issuance of grading or building permits submittal of plans with measure on plans, collection of acknowledgement by owner and notice to contractors; subject to inspection by DBS; maintenance of records of compliance for at least five years after issuance of certificate of occupancy; enforcement of violations available through LAMC at City discretion.</p>	<p>Applicant for individual project</p>	<p>City of Los Angeles, Department of Building and Safety</p>
<p>MM AQ-8: Routes for On-Road Haul Trucks</p> <p>a. Applicability Threshold: Any project whose construction activities involve the use of construction equipment and require a permit from LADBS.</p> <p>b. Standard: Construction contractors shall reroute construction trucks away from congested streets or Sensitive Uses, as feasible. The burden of proving that compliance is infeasible shall be upon the Applicant or Owner. Where avoiding Sensitive Uses and congested streets altogether is infeasible, routing away from Sensitive Uses shall be prioritized over routing away from congested streets.</p>	<p>Prior to issuance of grading or building permits submittal of plans with measure on plans, collection of acknowledgement by owner and notice to contractors; subject to inspection by DBS; maintenance of records of compliance for at least five years after issuance of certificate of occupancy; enforcement of violations available through LAMC at City discretion.</p>	<p>Applicant for individual project</p>	<p>City of Los Angeles, Department of Building and Safety</p>
<p>MM AQ-9: Distribution Facility Health Risk Assessment</p> <p>a. Applicability Threshold: Applicants for distribution centers in the Boyle Heights Plan Area within 1,000 feet of sensitive uses that require discretionary permits and/or would accommodate more than 100 truck trips or 40 TRUs per day. shall</p> <p>b. Standard: Prepare health risk assessments (HRAs) in accordance with SCAQMD and OEHHA guidance to identify the potential for cancer and non-cancer health risks. If cancer risks exceeding SCAQMD standards are identified, the Applicant shall identify opportunities to reduce emissions and associated risks. Methods may include, but are not limited to, limiting the number of trucks/TRUs accessing the site on a daily basis, locating distribution center entry and exist points as far as possible from sensitive land uses, and routing truck traffic away from sensitive land uses.</p>	<p>Prior to issuance of grading or building permits submittal of plans with measure on plans, collection of acknowledgement by owner and notice to contractors; subject to inspection by DBS; maintenance of records of compliance for at least five years after issuance of certificate of occupancy; enforcement of violations available through LAMC at City discretion.</p>	<p>Applicant for individual project</p>	<p>City of Los Angeles, Department of Building and Safety</p>

Mitigation Measure	Monitoring Phase and Monitoring Actions ¹	Implementing Party	Enforcement and Monitoring Entity
<p>MM AQ-10 CERP Coordination with ELABHWC</p> <p>a. Applicability Threshold: Any discretionary project within an AB 617 neighborhood related to Actions identified in the CERP (any project generating more than 100 truck trips per day; railyards; metal processing; rendering facilities; autobody shops; projects greater than an acre within 500 feet of schools, childcare facilities, etc.; industrial facilities including waste transfer).</p> <p>b. Standard: Applicants to coordinate directly with SCAQMD to identify project design features and City to coordinate with SCAQMD to ensure that proposed projects do not conflict with the CERP for ELABHWC and identify mitigation measures as appropriate.</p>	<p>Prior to issuance of grading or building permits submittal of plans with measure on plans, collection of acknowledgement by owner and notice to contractors; subject to inspection by DBS; maintenance of records of compliance for at least five years after issuance of certificate of occupancy; enforcement of violations available through LAMC at City discretion.</p>	<p>Applicant for individual project</p>	<p>City of Los Angeles, Department of Building and Safety</p>
Impact-Biological Resources			
<p>MM BIO-1: For all projects, if any active bird nest is found during a pre-construction nesting bird survey or is discovered inadvertently during earthwork or construction-related activities, a Qualified Biologist shall be retained by the Applicant or Owner to determine an appropriate avoidance buffer which shall be no less than is necessary to protect the nest, eggs and/or fledglings, from damage or disturbance in consideration of the following factors: the bird species, the availability of suitable habitat within the immediate area, the proposed work activity, and existing disturbances associated with surrounding land uses. The buffer shall be demarcated using bright orange construction fencing, flagging, construction lathe, or other means to mark the boundary of the buffer. All construction personnel shall be notified of the buffer zone and shall avoid entering the protected area. No Ground Disturbing Activities or vegetation removal shall occur within this buffer area until the Qualified Biologist has confirmed that breeding/nesting is complete and the young have fledged the nest and/or that the nest is no longer an Active Nest. The Qualified Biologist shall prepare a report prior to the issuance of any building permit detailing the results of the nesting bird survey and subsequent monitoring, which shall be maintained for a minimum of five years after the Certificate of Occupancy is issued.</p>	<p>Prior to issuance of grading or building permits submittal of plans with measure on plans, collection of acknowledgement by owner and notice to contractors; subject to inspection by DBS; maintenance of records of compliance for at least five years after issuance of certificate of occupancy; enforcement of violations available through LAMC at City discretion</p>	<p>Applicant for individual project</p>	<p>City of Los Angeles, Department of Building and Safety</p>
<p>MM BIO-2: All project applicants for grading, excavation, or building permits will be notified of and shall include on their plans an acknowledgement of the requirement to comply with the federal MBTA and CFGC to not destroy active bird nests and of best practices recommended by qualified biologist to avoid impacts to active nests, including checking for nests prior to construction activities during February 1-August 31 and what to do if an active nest is found during grading or construction activities, including the need to comply with the measures in MM BIO-1.</p>	<p>Prior to issuance of grading or building permits submittal of plans with measure on plans, collection of acknowledgement by owner and notice to contractors; subject to inspection by DBS; maintenance of records of compliance for at least five years after issuance of certificate of occupancy; enforcement of violations available through LAMC at City discretion</p>	<p>Applicant for individual project</p>	<p>City of Los Angeles, Department of Building and Safety</p>

Mitigation Measure	Monitoring Phase and Monitoring Actions ¹	Implementing Party	Enforcement and Monitoring Entity
Impact – Cultural Resources			
<p>MM CR-1: For any project that requires a permit for grading or excavation; if a possible archaeological resource is uncovered during earthwork or construction, all work shall cease within a minimum distance of 50 feet from the find until a Qualified Archaeologist has been retained to evaluate the find in accordance with National Register of Historic Places and California Register of Historical Resources criteria. The Qualified Archaeologist may adjust this avoidance area, ensuring appropriate temporary protection measures of the find are taken while also considering ongoing construction needs in the surrounding area. Temporary staking and delineation of the avoidance area shall be installed around the find in order to avoid any disturbance from construction equipment. Ground Disturbance Activities may continue unimpeded on other portions of the site outside the specified radius.</p> <p>Any potential archaeological resource or associated materials that are uncovered shall not be moved or collected by anyone other than an Archaeological Monitor or Qualified Archaeologist unless the materials have been determined to be non-unique archaeological resources, as defined in Public Resources Code Section 21083.1(h), by the Qualified Archaeologist. The Qualified Archaeologist shall determine if the resources are unique archeological resources as defined in Public Resources Code Section 21083.2(g).</p> <p>Consistent with Public Resources Code Section 21083.2, the handling, treatment, preservation, and recordation of unique archaeological resources should occur as follows:</p> <ul style="list-style-type: none"> • The find should be preserved in place or left in an undisturbed state unless the Project would damage the resource. • When preserving in place or leaving in an undisturbed state is not possible, excavation and recovery of the find for scientific study should occur unless testing or studies already completed have adequately recovered the scientifically consequential information from and about the resource, and this determination is documented by a Qualified Archaeologist. <p>Ground Disturbance Activities in the area where resource(s) were found may recommence once the identified resources are properly assessed and processed by a Qualified Archaeologist. A report that describes the resource(s) and its disposition, as well as the assessment methodology, shall be prepared by the Qualified Archaeologist according to current professional standards and maintained for a minimum of five years after the Certificate of Occupancy is issued. If appropriate, the report should also contain the Qualified Archaeologist’s recommendations for the preservation, conservation, and curation of the resource at a suitable repository, such as the Natural History</p>	<p>Prior to issuance of grading or building permits submittal of plans with measure on plans, collection of acknowledgement by owner and notice to contractors; subject to inspection by DBS; maintenance of records of compliance for at least five years after issuance of certificate of occupancy; enforcement of violations available through LAMC at City discretion</p>	<p>Applicant for individual project</p>	<p>City of Los Angeles, Department of Building and Safety</p>

Mitigation Measure	Monitoring Phase and Monitoring Actions ¹	Implementing Party	Enforcement and Monitoring Entity
<p>Museum of Los Angeles County, with which the Applicant or Owner must comply.</p>			
<p>MM CR-2: Prior to issuance of a permit for grading or excavation all project applicants will receive notice and acknowledge receipt of the following notice:</p> <ul style="list-style-type: none"> Several laws regulate the treatment of archaeological, paleontological, and tribal cultural resources and make it a criminal violation to destroy those resources. These regulations include, but are not limited to: California Penal Code Section 622.5 provides the following: “Every person, not the owner thereof, who willfully injures, disfigures, defaces, or destroys any object or thing of archeological or historical interest or value, whether situated on private lands or within any public park or place, is guilty of a misdemeanor.” Public Resources Code Section 5097.5(a) states: “A person shall not knowingly and willfully excavate upon, or remove, destroy, injure, or deface, any historic or prehistoric ruins, burial grounds, archaeological or vertebrate paleontological site, including fossilized footprints, inscriptions made by human agency, rock art, or any other archaeological, paleontological or historical feature, situated on public lands, except with the express permission of the public agency having jurisdiction over the lands.” California Code of Regulations, Title 14, Section 4307 states: “No person shall remove, injure, deface or destroy any object of paleontological, archaeological, or historical interest or value.” Section 1427 “recognizes that California’s archaeological resources are endangered by urban development and population growth and by natural forces...Every person, not the owner thereof, who willfully injures, disfigures, defaces, or destroys any object or thing of archaeological or historical interest or value, whether situated on private lands or within any public park of place, is guilty of a misdemeanor. It is a misdemeanor to alter any archaeological evidence found in any cave, or to remove any materials from a cave. <p>The following best practices are recognized by archaeologists and environmental consultants to ensure archaeological resources are not damaged during grading, excavation, or other Ground Disturbance Activities:</p> <ul style="list-style-type: none"> Records Search. A cultural resources records search should be requested from and conducted by the California Historical Resources Information System’s (CHRIS) South Central Coastal Information Center (SCCIC) located at California State University, Fullerton to determine whether any cultural resources have been previously identified on or within a 0.5-mile radius of the Project site. The results of this records search shall be used as an indicator of the archaeological sensitivity of the Project site. 	<p>Prior to issuance of excavation or grading permits: verify receipt of acknowledgement from applicant.</p>	<p>Applicant for individual project</p>	<p>City of Los Angeles, Department of City Planning</p> <p>City of Los Angeles, Department of Building and Safety</p>

Mitigation Measure	Monitoring Phase and Monitoring Actions ¹	Implementing Party	Enforcement and Monitoring Entity
<ul style="list-style-type: none"> • A Qualified Archaeologist shall be retained and use all reasonable methods, consistent with professional standards and best practices, to determine the potential for archaeological resources to be present on the Project site. • If the Qualified Archaeologist determines there is a medium to high potential that archaeological resources may be located on the Project site and it is possible that such resources will be impacted by the Project, the Qualified Archaeologist shall advise the Applicant and Owner to retain an Archaeological Monitor to observe all Ground Disturbance Activities within those areas identified as having a medium to high potential in order to identify any resources and avoid potential impacts to such resources. • Monitoring. An Archaeological Monitor should monitor excavation and grading activities in soils that have not been previously disturbed in order to identify and record any potential archaeological finds and avoid potential impacts to such resources. In the event of a possible archaeological discovery, the Archaeological Monitor shall notify a Qualified Archaeologist. The Archaeological Monitor has the authority to temporarily halt earthwork activities. • Handling, Evaluation, and Preservation. Any archaeological resource materials or associated materials that are uncovered shall not be moved or collected by anyone other than an Archaeological Monitor or Qualified Archaeologist unless they have been determined to be nonunique archaeological resources, as defined in Public Resources Code Section 21083.1(h) by a Qualified Archaeologist. A Qualified Archaeologist shall determine if the resources are unique archeological resources as defined in Public Resources Code Section 21083.2(g). • Consistent with Public Resources Code Section 21083.2, the handling, treatment, preservation, and recordation of unique archaeological resources should occur as follows: <ul style="list-style-type: none"> – The find should be preserved in place or left in an undisturbed state unless the Project would damage the resource. – When preserving in place or leaving in an undisturbed state is not possible, excavation and recovery of the find for scientific study should occur unless testing or studies already completed have adequately recovered the scientifically consequential information from and about the resource, and this determination is documented by a Qualified Archaeologist. – If recommended by the Qualified Archaeologist, the resource(s) shall be curated by a public, non-profit institution with a research interest in the material, such as the Natural History Museum of Los Angeles 			

Mitigation Measure	Monitoring Phase and Monitoring Actions ¹	Implementing Party	Enforcement and Monitoring Entity
<p>County or another appropriate curatorial facility for educational purposes.</p> <ul style="list-style-type: none"> Ground Disturbance Activities in the area where resource(s) were found may recommence once the identified resources are properly assessed and processed by a Qualified Archaeologist. 			
<p>MM CR-3: Projects within 500 feet of the currently mapped known segments of the Zanja system have increased likelihood of encountering segments of the Zanja system during construction. If possible, segments of the Zanja system are uncovered during earthwork or construction, all work shall cease within a minimum distance of 50 feet from the find until a Qualified Archaeologist has been retained to inspect and evaluate the find. The Qualified Archaeologist may adjust this avoidance area, ensuring appropriate temporary protection measures of the find are taken while also considering ongoing construction needs in the surrounding area. Temporary staking and delineation of the avoidance area shall be installed around the find in order to avoid any disturbance from construction equipment. Ground Disturbance Activities may continue unimpeded on other portions of the site outside the specified radius.</p> <p>At a minimum, and even if avoided, should the find be determined to be related to the Zanja system, the Qualified Archaeologist shall prepare a memo and complete all relevant State of California Department of Parks and Recreation (DPR) DPR 523 forms documenting the find.</p> <p>If the Qualified Archaeologist, having evaluated the find, determines that the find retains integrity, documentation consistent with the standards and guidelines established the Historic American Engineering Record (HAER) shall be undertaken and transmitted to the Library of Congress before any alteration, demolition, construction, or removal activity may occur within the determined avoidance area. Documentation shall include narrative records, measured drawings, and photographs in conformance with HAER Guidelines. The found segments shall also be mapped using Geographic Information Systems (GIS) or 3D mapping technology in order to contribute to the existing record of the location and extent of the Zanja system as a whole. At minimum, GIS data shall include the geographic coordinates and depth of all portions of the find. All records, including geographic data, georeferenced photographs, and information about the depth of the find shall be submitted to City Planning. Report documentation and GIS files shall additionally be provided to the South Central Coastal Information Center (SCCIC) located at California State University, Fullerton.</p> <p>In addition to HAER documentation, if determined appropriate by the Qualified Archaeologist, one or more of the following specific treatments shall be developed and implemented based on potential California Register eligibility criteria or the significance of the find as a unique archaeological resource:</p>	<p>During grading/construction: field as needed, verify that field verify that work is halted to assess possible archaeological resources and avoidance buffers are demarcated and enforced. Once find has been determined to be related to the Zanja system: review and approve the memo and all relevant DPR 523 forms documenting the find. Once find has been determined to retain integrity: review and approve the documentation that is consistent with HAER standards and guidelines. Submit documentation to the Library of Congress, SCCIC, and DCP prior to any alteration, demolition, construction, or removal activity within the avoidance area. Verify that appropriate treatments determined by the archaeologist for the find are implemented.</p>	<p>Applicant for individual project</p>	<p>City of Los Angeles, Department of Building and Safety</p> <p>City of Los Angeles, Department of City Planning’s Office of Historic Resources</p>

Mitigation Measure	Monitoring Phase and Monitoring Actions ¹	Implementing Party	Enforcement and Monitoring Entity
<ul style="list-style-type: none"> Treatment Under Criterion 1: Treatment shall include interpretation of the Zanja Madre System for the public. The interpretive materials may include, but are not limited to, interpretive displays of photographs and drawings produced during the HAER documentation, signage at the Zanja Madre alignment, relocating preserved segments in a publicly accessible display, or other visual representations of Zanja alignments through appropriate means such as a dedicated internet website other online-based materials. At a minimum, the interpretive materials shall include photographs and drawings produced during the HAER documentation, and signage. These interpretive materials shall be employed as part of Project public outreach efforts that may include various forms of public exhibition and historic image reproduction. Additionally, the results of the historical and archaeological studies conducted for the Project shall be made available to the public through repositories such as the local main library branch or with identified non-profit historic groups interested in the subject matter. The interpretive materials shall be prepared at the expense of the Project applicant, by professionals meeting the Secretary of the Interior standards in history or historical archaeology. The development of the interpretive materials shall consider any such materials already available to the public so that the development of new materials would add to the existing body of work on the historical Los Angeles water system, and to this end, shall be coordinated, to the extent feasible and to the satisfaction of the Department of City Planning, in consultation with the Office of Historic Resources. The interpretive materials shall include a consideration of the Zanja Madre segment located on the Project Site in relation to the entire Zanja system. The details of the interpretive materials, including the content and format, and the timing of their preparation, shall be completed to the satisfaction and subject to the approval of the Department of City Planning, in consultation with the Office of Historic Resources. Treatment Under Criterion 2: No additional work; archival research about important persons directly associated with the construction and use of Zanja Madre would be addressed as part of HAER documentation. Treatment Under Criterion 3: No additional work; HAER documentation is sufficient. Treatment Under Criterion 4: No additional work; archaeological data recovery and HAER documentation are sufficient. Treatment as a unique archaeological resource, as defined by PRC Section 21083.2(g): Same as Criterion 1 treatment. 			

Mitigation Measure	Monitoring Phase and Monitoring Actions ¹	Implementing Party	Enforcement and Monitoring Entity
Geology and Soils			
<p>MM GEO-1: Paleontological Resources. For all discretionary projects that are excavating earth for two or more subterranean levels within previously undisturbed land or below previously excavated depths within native soils, a determination shall be made using all reasonable methods to determine the potential that paleontological resources are present on the project site, including through searches of databases and records, and surveys. If there is a medium to high potential that paleontological resources are located on the project site and it is possible that these resources will be impacted, monitoring will be conducted for all excavation, grading or other ground disturbance activities to identify any resources and avoid potential impacts to such resources as follows:</p> <ul style="list-style-type: none"> Paleontological Worker Environmental Awareness Program (WEAP). Prior to the start of construction, the paleontological monitor shall conduct training for construction personnel regarding the appearance of fossils and the procedures for notifying paleontological staff should fossils be discovered by construction staff. In the event of a fossil discovery by construction personnel, all work in the immediate vicinity of the find shall cease and a qualified paleontologist shall be contacted to evaluate the find before restarting work in the area. If it is determined that the fossil(s) is(are) scientifically significant, the paleontological monitor shall complete the next two steps. Fossil Salvage. The Qualified Paleontologist or designated paleontological monitor shall recover intact fossils. Typically, fossils can be safely salvaged quickly by a single paleontologist and not disrupt construction activity. In some cases, larger fossils (such as complete skeletons or large mammal fossils) require more extensive excavation and longer salvage periods. In this case the paleontologist shall have the authority to temporarily direct, divert or halt construction activity to ensure that the fossil(s) can be removed in a safe and timely manner. Any fossils shall be handled and deposited consistent with a mitigation plan prepared by the paleontological monitor. Paleontological Resource Construction Monitoring. Additional ground disturbing construction activities (including grading, trenching, foundation work and other excavations) in undisturbed sediments, below five feet, with high paleontological sensitivity shall be monitored on a full-time basis by a Qualified Paleontologist or designated paleontological monitor during initial ground disturbance. If the paleontological monitor determines that full-time monitoring is no longer warranted, he or she may recommend that monitoring be reduced to periodic spot-checking or cease entirely. Monitoring shall be reinstated if any new or unforeseen deeper ground disturbances are required. 	<p>Prior to project approval: verify that the applicant has conducted surveys and searches of databases and records and as needed, identified methods to avoid impacts to significant paleontological resources; measures on plans.</p>	<p>Applicant for individual project</p>	<p>City of Los Angeles, Department of City Planning City of Los Angeles, Department of Building and Safety</p>

Mitigation Measure	Monitoring Phase and Monitoring Actions ¹	Implementing Party	Enforcement and Monitoring Entity
<p>MM GEO-2: Treatment of Paleontological Resources. If a probable paleontological resource is uncovered during earthwork or construction, all work shall cease within a minimum distance of 50 feet from the find until a Qualified Paleontologist has been retained to evaluate the find in accordance with the Society of Vertebrate Paleontology’s Standard Procedures for the Assessment and Mitigation of Adverse Impacts to Paleontological Resources. Temporary flagging shall be installed around the find in order to avoid any disturbance from construction equipment. Any paleontological materials that are uncovered shall not be moved or collected by anyone other than a Qualified Paleontologist or his/her designated representative such as a Paleontological Monitor. If cleared by the Qualified Paleontologist, Ground Disturbance Activities may continue unimpeded on other portions of the site. The found deposit(s) shall be treated in accordance with the Society of Vertebrate Paleontology’s Standard Procedures. Ground Disturbance Activities in the area where resource(s) were found may recommence once the identified resources are properly assessed and processed by Qualified Paleontologist. A report that describes the resource and its disposition, as well as the assessment methodology, shall be prepared by the Qualified Paleontologist according to current professional standards and maintained pursuant to the proof of compliance requirements in Subsection I.D.6. If appropriate, the report should also contain the Qualified Paleontologist’s recommendations for the preservation, conservation, and curation of the resource at a suitable repository, such as the Natural History Museum of Los Angeles County, with which the Applicant or Owner must comply.</p>	<p>Prior to issuance of grading or building permits submittal of plans with measure on plans, collection of acknowledgement by owner and notice to contractors; subject to inspection by DBS; maintenance of records of compliance for at least five years after issuance of certificate of occupancy; enforcement of violations available through LAMC at City discretion. If resources found and have been properly assessed and processed: review and approve the report that documents assessment, processing of resources, and recommending actions.</p>	<p>Applicant for individual project</p>	<p>City of Los Angeles, Department of Building and Safety</p>
<p>MM GEO-3: Notification of Intent to Excavate Language. For all projects not subject to MM-GEO-1 that are seeking excavation or grading permits, the Department of Building and Safety shall issue the following notice and obtain an acknowledgement of receipt of the notice from applicants:</p> <ul style="list-style-type: none"> California Penal Code Section 622.5 provides the following: “Every person, not the owner thereof, who willfully injures, disfigures, defaces, or destroys any object or thing of archeological or historical interest or value, whether situated on private lands or within any public park or place, is guilty of a misdemeanor.” PRC Section 5097.5 provides protection for cultural and paleontological resources, where Section 5097.5(a) states, in part, that: “No person shall knowingly and willfully excavate upon, or remove, destroy, injure, or deface, any historic or prehistoric ruins, burial grounds, archaeological or vertebrate paleontological site, including fossilized footprints, inscriptions made by human agency, rock art, or any other archaeological, paleontological or historical feature, situated on public lands, except with 	<p>Prior to issuance of excavation or grading permits: verify receipt of acknowledgement from applicant.</p>	<p>Applicant for individual project, and DBS</p>	<p>City of Los Angeles, Department of Building and Safety</p>

Mitigation Measure	Monitoring Phase and Monitoring Actions ¹	Implementing Party	Enforcement and Monitoring Entity
<p>the express permission of the public agency having jurisdiction over the lands.”</p> <ul style="list-style-type: none"> California Code of Regulations, Title 14, Section 4307 states that “no person shall remove, injure, deface or destroy any object of paleontological, archaeological, or historical interest or value.” Section 1427 “recognizes that California’s archaeological resources are endangered by urban development and population growth and by natural forces...every person, not the owner thereof, who willfully injures, disfigures, defaces, or destroys any object or thing of archaeological or historical interest or value, whether situated on private lands or within any public park of place, is guilty of a misdemeanor. It is a misdemeanor to alter any archaeological evidence found in any cave, or to remove any materials from a cave.” Best practices to ensure unique geological and paleontological resources are not damaged include compliance with MM GEO-2. 			
Hazards and Hazardous Material			
<p>MM HAZ-1: Any project that requires a grading, excavation, or building permit from LADBS and which is:</p> <ul style="list-style-type: none"> Located on or within 500 feet of a Hazardous Materials site listed in any of the following databases: <ul style="list-style-type: none"> State Water Resources Control Board GeoTracker (refer to https://geotracker.waterboards.ca.gov); DTSC EnviroStor (refer to https://www.envirostor.dtsc.ca.gov/public); DTSC Hazardous Waste Tracking System (refer to https://hwts.dtsc.ca.gov); LAFD Certified Unified Program Agency (refer to the active, inactive, and historical inventory lists at https://www.lafd.org/fire-prevention/cupa/public-records); Los Angeles County Fire Department Health Hazardous Materials Division (refer to the active and inactive facilities, site mitigation, and California Accidental Release Prevention inventory lists at https://fire.lacounty.gov/public-records-requests); SCAQMD Facility Information Detail (refer to https://xappprod.aqmd.gov/find); or Located on or within 500 feet of a Hazardous Materials site designated as a Resource Conservation and Recovery Act (RCRA) Small Quantity 	<p>Prior to issuance of grading or building permits submittal of plans with measure on plans, collection of acknowledgement by owner and notice to contractors; subject to inspection by DBS; maintenance of records of compliance for at least five years after issuance of certificate of occupancy; enforcement of violations available through LAMC at City discretion. Prior to issuance of grading, excavation, or building permits: review and approve the Phase I Environmental Site Assessment (ESA). If no recognized environmental conditions (REC) are identified, no further documentation is required. If the Phase I ESA identifies a REC and/or if recommended in the Phase I ESA, review and approve a Phase II ESA. If the Phase II ESA indicates the need for remediation, review and approve a remediation plan. If oversight or approval from a regulatory agency is required, verify agency sign off on remediation plan and that a No Further Action letter has been issued.</p>	<p>Applicant for individual project</p>	<p>City of Los Angeles, Department of Building and Safety City of Los Angeles Fire Department Other enforcement agencies as applicable: California State Water Resources Control Board; State Department of Toxic Substances Control; Los Angeles County Fire Department</p>

<p>Generator or Large Quantity Generator (refer to the USEPA Envirofacts database at https://enviro.epa.gov/index.html); or</p> <ul style="list-style-type: none"> • Located in an Oil Drilling District (O) or located on or within 50 feet of a property identified as having an oil well or an oil field (active or inactive) by the California Geologic Energy Management Division (refer to https://www.conservation.ca.gov/calgem/Pages/WellFinder.aspx); or • Located on land currently or previously designated with an industrial use class or industrial zoning, in whole or in part; or • Located on land currently or previously used for a gas station or dry cleaning facility. <p>Or:</p> <ul style="list-style-type: none"> • The Applicant or Owner are aware or have reason to be aware that the Project site was previously used for an industrial use, gas station or dry cleaner. <p>And:</p> <ul style="list-style-type: none"> • The site has not been previously remediated to the satisfaction of the relevant regulatory agency/agencies for any contamination associated with the above uses or site conditions. <p>Then a Phase I Environmental Site Assessment shall be prepared by a Qualified Environmental Professional in accordance with State standards/guidelines and current professional standards, including the American Society for Testing and Materials’ (ASTM) Standard Practice for Environmental Site Assessments, to evaluate whether the site, or the surrounding area, is contaminated with hazardous substances from any past or current land uses, including contamination related to the storage, transport, generation, or disposal of toxic or Hazardous Waste or materials.</p> <p>If the Phase I identifies a Recognized Environmental Condition (REC) and/or if recommended in the Phase I, a Phase II Environmental Site Assessment shall also be prepared by a Qualified Environmental Professional. The Phase I and/or Phase II Environmental Site Assessment(s) shall be maintained pursuant to appropriate proof of compliance for a minimum of five years after the Certificate of Occupancy is issued and made available for review and inclusion in the case file by the appropriate regulatory agency, such as the State Water Resources Control Board, the State Department of Toxic Substances Control, or the LAFD Hazard Mitigation Program. Any remediation plan recommended in the Phase II Environmental Site Assessment or by the appropriate regulatory agency shall be implemented and, if required, a No Further Action letter shall be issued by the appropriate regulatory agency prior to issuance of any permit from LADBS, unless the regulating agency determines that remedial action can be implemented in conjunction with excavation and/or grading. If oversight or approval by a regulatory agency is not required, the Qualified Environmental Professional shall provide written verification of compliance with and completion of the remediation plan, such that the site meets the applicable</p>			
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Mitigation Measure	Monitoring Phase and Monitoring Actions ¹	Implementing Party	Enforcement and Monitoring Entity
standards for the proposed use, which shall be maintained pursuant to appropriate proof of compliance requirements.			
<p>MM HAZ-2: For discretionary projects that do not meet the criteria in MM HAZ-1 and are not within the Exide PIA, and involve any ground and/or soil disturbance, soil samples shall be collected and tested to determine the presence of lead or arsenic and the extent of contamination, if any. Any remediation plan recommended by the appropriate regulatory agency shall be implemented and, if required, a No Further Action letter shall be issued by the appropriate regulatory agency prior to issuance of any permit from LADBS, unless the regulating agency determines that remedial action can be implemented in conjunction with excavation and/or grading. If oversight or approval by a regulatory agency is not required, a Qualified Environmental Professional shall provide written verification of compliance with and completion of the remediation plan, such that the site meets the applicable standards for the proposed use, which shall be maintained pursuant to appropriate proof of compliance requirements.</p>	<p>Prior to issuance of grading or building permits submittal of plans with measure on plans, collection of acknowledgement by owner and notice to contractors; subject to inspection by DBS; maintenance of records of compliance for at least five years after issuance of certificate of occupancy; enforcement of violations available through LAMC at City discretion. Prior to issuance of grading, excavation, or building permits: review and approve the soil samples submitted documenting levels of lead and arsenic on site. If no recognized elevated levels are identified, no further documentation is required. If the soil sample results indicate the need for remediation, review and approve a remediation plan. If oversight or approval from a regulatory agency is required, verify agency sign off on remediation plan and that a No Further Action letter has been issued.</p>	<p>Applicant for individual project</p>	<p>Department of Building and Safety City of Los Angeles Fire Department Other enforcement agencies as applicable: State Department of Toxic Substances Control; Los Angeles County Fire Department</p>
<p>MM HAZ-3: Any project that requires a grading, excavation, or building permit from LADBS and which suspected Hazardous Materials, contamination, debris, or other features or materials that could present a threat to human health or the environment are discovered during earthwork or construction, such activities shall cease immediately until the affected area is evaluated by a Qualified Environmental Professional. If the Qualified Environmental Professional determines that a hazard exists, a remediation plan shall be developed by the Qualified Environmental Professional in consultation with the appropriate regulatory agency, and the remediation identified shall be completed. Work shall not resume in the affected area until appropriate actions have been implemented in accordance with the remediation plan, to the satisfaction of the regulatory agency.</p> <p>A report that describes the Hazardous Materials, contamination or debris and its disposition, shall be prepared by the Qualified Environmental Professional, according to current professional standards and maintained pursuant to appropriate proof of compliance requirements.</p>	<p>Prior to issuance of grading or building permits submittal of plans with measure on plans, collection of acknowledgement by owner and notice to contractors; maintenance of records of compliance for at least five years after issuance of certificate of occupancy; enforcement of violations available through LAMC at City discretion. If materials found and have been properly evaluated: review and approve the remediation plan and verify that the appropriate regulatory agency/agencies have approved the plan. Verify receipt of any needed agency sign off on remediation plan.</p>	<p>Applicant for individual project</p>	<p>Department of Building and Safety City of Los Angeles Fire Department Other enforcement agencies as applicable: California State Water Resources Control Board; State Department of Toxic Substances Control; Los Angeles County Fire Department</p>

Mitigation Measure	Monitoring Phase and Monitoring Actions ¹	Implementing Party	Enforcement and Monitoring Entity
Impact - Noise			
<p>MM NOI-1: The following is required for any project whose earthwork or construction activities involve the use of construction equipment and require a permit from LADBS. Power construction equipment (including combustion engines), fixed or mobile, shall be equipped with noise shielding and muffling devices consistent with manufacturers’ standards or the Best Available Control Technology. All equipment shall be properly maintained, and the applicant or owner shall require any construction contractor to keep documentation on-site during any earthwork or construction activities demonstrating that the equipment has been maintained in accordance with manufacturer’s specifications.</p>	<p>Prior to issuance of grading or building permits submittal of plans with measure on plans, collection of acknowledgement by owner and notice to contractors; subject to inspection by DBS; maintenance of records of compliance for at least five years after issuance of certificate of occupancy; enforcement of violations available through LAMC at City discretion</p>	<p>Applicant for individual project</p>	<p>City of Los Angeles, Department of Building and Safety</p>
<p>MM NOI-2: The following is required for any project whose earthwork and construction activities involve the use of construction equipment and require a permit from LADBS. Driven (impact) pile systems shall not be used, except in locations where the underlying geology renders drilled piles, sonic, or vibratory pile drivers infeasible, as determined by a soils or geotechnical engineer and documented in a soils report.</p>	<p>Prior to issuance of grading or building permits submittal of plans with measure on plans, collection of acknowledgement by owner and notice to contractors; subject to inspection by DBS; maintenance of records of compliance for at least five years after issuance of certificate of occupancy; enforcement of violations available through LAMC at City discretion.</p>	<p>Applicant for individual project</p>	<p>City of Los Angeles, Department of Building and Safety</p>
<p>MM NOI-3: The following is required for any project whose earthwork or construction activities involve the use of construction equipment and require a permit from LADBS. All outdoor mechanical equipment (e.g., generators, compressors) shall be enclosed or visually screened. The equipment enclosure or screen shall be impermeable (i.e., solid material with minimum weight of 2 pounds per square feet) and break the line of sight between the equipment and any off-site Noise-Sensitive Uses.</p>	<p>Prior to issuance of grading or building permits submittal of plans with measure on plans, collection of acknowledgement by owner and notice to contractors; subject to inspection by DBS; maintenance of records of compliance for at least five years after issuance of certificate of occupancy; enforcement of violations available through LAMC at City discretion.</p>	<p>Applicant for individual project</p>	<p>City of Los Angeles, Department of Building and Safety</p>
<p>MM NOI-4: The following is required for any project whose earthwork or construction activities involve the use of construction equipment and require a permit from LADBS. Construction staging areas shall be located as far from Noise-Sensitive Uses as reasonably possible and technically feasible in consideration of site boundaries, topography, intervening roads and uses, and operational constraints. The burden of proving what constitutes 'as far as possible' shall be upon the Applicant or Owner, in consideration of the above factors.</p>	<p>Prior to issuance of grading or building permits submittal of plans with measure on plans, collection of acknowledgement by owner and notice to contractors; subject to inspection by DBS; maintenance of records of compliance for at least five years after issuance of certificate of occupancy; enforcement of violations available through LAMC at City discretion.</p>	<p>Applicant for individual project</p>	<p>City of Los Angeles, Department of Building and Safety</p>
<p>MM NOI-5: The following is required for any project whose earthwork and construction activities involve the use of construction equipment and require a permit from LADBS; and whose construction activities are located within a line</p>	<p>Prior to issuance of grading or building permits submittal of plans with measure on plans, collection of acknowledgement by</p>	<p>Applicant for individual project</p>	<p>City of Los Angeles, Department of Building and Safety</p>

Mitigation Measure	Monitoring Phase and Monitoring Actions ¹	Implementing Party	Enforcement and Monitoring Entity
<p>of sight to and within 500 feet of Noise-Sensitive Uses, with the exception of projects limited to the construction of 2,000 square feet or less of floor area dedicated to residential uses. Noise barriers, such as temporary walls (minimum ½-inch thick plywood) or sound blankets (minimum STC 25 rating), that are a minimum of eight feet tall, shall be erected between construction activities and Noise-Sensitive Uses as reasonably possible and technically feasible in consideration of site boundaries, topography, intervening roads and uses, and operational constraints. The burden of proving that compliance is technically infeasible shall be upon the applicant or owner. Technical infeasibility shall mean that noise barriers cannot be located between construction activities and Noise-Sensitive Uses due to site boundaries, topography, intervening roads and uses, and/or operational constraints.</p>	<p>owner and notice to contractors; subject to inspection by DBS; maintenance of records of compliance for at least five years after issuance of certificate of occupancy; enforcement of violations available through LAMC at City discretion.</p>		
<p>MM NOI-6: The following is required for any project whose earthwork or construction activities involve the use of construction equipment and require a permit from LADBS; are located within 500 feet of Noise-Sensitive Uses; and have one or more of the following characteristics:</p> <ul style="list-style-type: none"> • Two or more subterranean levels • 20,000 cubic yards or more of excavated material; • Simultaneous use of five or more pieces of construction equipment; or • Construction duration (excluding architectural coatings) of 18 months or more; or • Any project whose construction activities involve pile driving or the use of 300 horsepower equipment. <p>A Noise Study, prepared by a qualified noise expert shall be required and prepared prior to obtaining any permit by LADBS. The Noise Study shall characterize expected sources of earthwork and construction noise that may affect identified noise-sensitive uses, quantify expected noise levels at these noise-sensitive uses, and recommend measures to reduce noise exposure to the extent noise reduction measures are available and feasible, and to demonstrate compliance with any noise requirements in the Los Angeles Municipal Code. Specifically, the Noise Study shall identify noise reduction devices or techniques to reduce noise levels in accordance with accepted industry practices and in compliance with LAMC standards. Noise reduction devices or techniques shall include but not be limited to mufflers, shields, sound barriers, and time and place restrictions on equipment and activities. The Noise Study shall identify anticipated noise reductions at Noise-Sensitive Uses associated with the noise reduction measures. Applicants and owners shall be required to implement and comply with all measures identified and recommended in the Noise Study. The Noise Study and copies of any contractor agreements shall be maintained pursuant to the proof of compliance requirements and a copy of all</p>	<p>Prior to issuance of grading or building permits submittal of plans with measure on plans, collection of acknowledgement by owner and notice to contractors; subject to inspection by DBS; maintenance of records of compliance for at least five years after issuance of certificate of occupancy; enforcement of violations available through LAMC at City discretion.</p>	<p>Applicant for individual project</p>	<p>City of Los Angeles, Department of Building and Safety</p>

Mitigation Measure	Monitoring Phase and Monitoring Actions ¹	Implementing Party	Enforcement and Monitoring Entity
<p>records documenting compliance shall be maintained for a minimum of five years after the Certificate of Occupancy is issued.</p>			
<p>MM NOI-7: The following is required for any project, with the exception of project limited to the construction of 2,000 square feet or less of floor area dedicated to residential uses, whose earthwork or construction activities: (1) involve the use of construction equipment, including Heavy Construction Equipment, that produces 0.12 PPV or more of vibration at a distance of 25 feet; (2) require a permit from LADBS; and (3) which occur:</p> <ul style="list-style-type: none"> • Within 25 feet of any building extremely susceptible to vibration damage, including unreinforced masonry buildings, tilt-up concrete wall buildings, wood-frame multi-story buildings with soft, weak or open front walls, and non-ductile concrete buildings, or a building that is designated or determined to be a historic resource pursuant to local or state law or that is determined to be potentially eligible for historic designation in a Historic Resources Survey; or • Within 15 feet of non-engineered timber and masonry buildings. <p>Or any project whose construction activities involve the use of pile drivers within 135 feet of any building extremely susceptible to vibration damage, including existing unreinforced masonry buildings, existing tilt-up concrete wall buildings, existing wood-frame multi-story buildings with soft, weak or open front walls, and existing non-ductile concrete buildings, or a building that is designated or determined to be a historic resource pursuant to local or state law or that is determined to be potentially eligible for historic designation in a Historic Resources Survey.</p> <p>Required standard: Prior to demolition, grading/excavation, or construction, a Qualified Structural Engineer shall prepare a survey establishing baseline structural conditions of potentially affected structures and a Vibration Control Plan, which shall include methods to minimize vibration, including, but not limited to:</p> <ul style="list-style-type: none"> • A visual inspection of the potentially affected structures to document (by video and/or photography) the apparent physical condition of the building (e.g., cracks, broken panes, etc.). • A shoring design to protect the identified structures from potential damage; • Use of drilled piles or a sonic vibratory pile driver rather than impact pile driving, when the use of vibrating equipment is unavoidable; • Use of rubber-tired equipment rather than metal-tracked equipment; and • Avoiding the use of vibrating equipment when allowed by best engineering practice. 	<p>Prior to issuance of grading or building permits submittal of plans with measure on plans, collection of acknowledgement by owner and notice to contractors; subject to inspection by DBS; maintenance of records of compliance for at least five years after issuance of certificate of occupancy; enforcement of violations available through LAMC at City discretion.</p>	<p>Applicant for individual project</p>	<p>City of Los Angeles, Department of Building and Safety</p>

Mitigation Measure	Monitoring Phase and Monitoring Actions ¹	Implementing Party	Enforcement and Monitoring Entity
<p>MM NOI-8: The following is required for any project, with the exception of projects limited to the construction of 2,000 square feet or less of floor area dedicated to residential uses, whose earthwork or construction activities: (1) involve the use of construction equipment, including Heavy Construction Equipment, that produces 0.12 PPV or more of vibration at a distance of 25 feet; (2) require a permit from LADBS; and (3) which occur:</p> <ul style="list-style-type: none"> • Within 25 feet of any building extremely susceptible to vibration damage, including unreinforced masonry buildings, tilt-up concrete wall buildings, wood-frame multi-story buildings with soft, weak or open front walls, and non-ductile concrete buildings, or a building that is designated or determined to be a historic resource pursuant to local or state law or that is determined to be potentially eligible for historic designation in a Historic Resources survey; or • Within 15 feet of non-engineered timber and masonry buildings. <p>Or any project whose construction activities involve the use of pile drivers within 135 feet of any building extremely susceptible to vibration damage, including existing unreinforced masonry buildings, existing tilt-up concrete wall buildings, existing wood-frame multi-story buildings with soft, weak or open front walls, and existing non-ductile concrete buildings, or a building that is designated or determined to be a historic resource pursuant to local or state law or that is determined to be potentially eligible for historic designation in a Historic resources Survey.</p> <p>Required standard: In the event of damage to any non-historic building due to construction vibration, as verified by the Qualified Structural Engineer, a letter describing the damage to the impacted building(s) and recommendations for repair shall be prepared by the Qualified Structural Engineer within 60 days of the time when damage occurred. Repairs shall be undertaken and completed, at the owner's or applicant's expense, in conformance with all applicable codes.</p> <p>In the event of vibration damage to any building that is designated or determined to be a historic resource pursuant to local or state law or that is determined to be potentially eligible for historic designation in a Historic Resources survey, a letter describing the damage to the impact building(s) and recommendations for repair shall be prepared by the Qualified Historian within 60 days of the time when damage occurred. Repairs shall be undertaken and completed, at the owner's or applicant's expense, in conformance with the California Historical Building Code (Title 24, Part 8) as well as the Secretary of the Interior's Standards for the Treatment of Historic Properties and associated guidelines, as applicable and as determined by the Qualified Historian.</p>	<p>Prior to issuance of grading or building permits submittal of plans with measure on plans, collection of acknowledgement by owner and notice to contractors; subject to inspection by DBS; maintenance of records of compliance for at least five years after issuance of certificate of occupancy; enforcement of violations available through LAMC at City discretion. During repairs: repairs to historical buildings are undertaken and completed in conformance with the California Historical Building Code and the Secretary of the Interior's Standards for the Treatment of Historic Properties.</p>	<p>Applicant for individual project</p>	<p>City of Los Angeles, Department of Building and Safety City of Los Angeles, Department of City Planning</p>

Mitigation Measure	Monitoring Phase and Monitoring Actions ¹	Implementing Party	Enforcement and Monitoring Entity
Tribal Cultural Resources			
<p>MM TC-1: Native American Consultation and Monitoring for Discretionary Projects</p> <p>For all projects that require a permit for grading or excavation, if a possible tribal cultural resource is uncovered during earthwork or construction, all work shall cease within a minimum distance of 50 feet from the find until a Qualified Tribal Monitor or Archaeological Monitor has been retained to evaluate the find.</p> <p>Following discovery, the Applicant or Owner shall immediately contact all Native American tribes that have informed the City of Los Angeles they are traditionally and culturally affiliated with the geographic area of the Project, as well as the Department of City Planning, Office of Historic Resources (OHR). If a Qualified Tribal Monitor or Archaeological Monitor determines, pursuant to Public Resources Code Section 21074(a)(2), that the object or artifact appears to be a potential tribal cultural resource, in its discretion and supported by substantial evidence, the Applicant and Owner shall provide any affected tribe a reasonable period of time, not less than five business days, to conduct a site visit and make recommendations to the Applicant or Owner and OHR regarding the monitoring of future Ground Disturbance Activities and the treatment and disposition of any discovered tribal cultural resources. The Applicant or Owner shall implement the tribe's recommendations if the Qualified Tribal Monitor or Archaeological Monitor reasonably concludes such recommendations are reasonable and feasible.</p> <p>Consistent with Public Resources Code Section 21083.2, the handling, treatment, preservation, and recordation of tribal cultural resources should occur as follows:</p> <ul style="list-style-type: none"> • The find should be preserved in place or left in an undisturbed state unless the Project would damage the resource. • When preserving in place or leaving in an undisturbed state is not possible, excavation and recovery of the find for scientific study should occur unless testing or studies already completed have adequately recovered the scientifically consequential information from and about the resource, and this determination is documented by a Qualified Tribal Monitor or Qualified Archaeologist. <p>All collected artifacts and fieldwork notes, if not human remains or other mortuary objects, shall be curated at the Natural History Museum of Los Angeles County or another appropriate curatorial facility for educational purposes. If cleared by the Qualified Tribal Monitor or Archaeological Monitor, Ground Disturbance Activities may continue unimpeded on other portions of the site. Ground Disturbance Activities in the area where resource(s) were found may recommence once the identified resources are</p>	<p>Prior to issuance of grading or building permits submittal of plans with measure on plans, collection of acknowledgement by owner and notice to contractors; subject to inspection by DBS; maintenance of records of compliance for at least five years after issuance of certificate of occupancy; enforcement of violations available through LAMC at City discretion.</p>	<p>Applicant for individual project</p>	<p>City of Los Angeles, Department of Building and Safety City of Los Angeles, City Planning's Office of Historic Resources</p>

Mitigation Measure	Monitoring Phase and Monitoring Actions ¹	Implementing Party	Enforcement and Monitoring Entity
<p>properly assessed and processed. A report that describes the resource and its disposition, as well as the assessment methodology shall be prepared by the Qualified Tribal Monitor or Archaeological Monitor, according to current professional standards. A copy of the report shall be submitted to OHR, the South Central Coastal Information Center at California State University, Fullerton and to the Native American Heritage Commission for inclusion in its Sacred Lands File. If requested by the City, OHR may review and approve any monitoring or mitigation plan prior to implementation.</p>			
<p>MM TC-2: Notices for Non-Discretionary Projects</p> <p>All projects that are seeking excavation or grading permits, prior to issuance of a permit for grading or excavation, the Department of Building and Safety shall issue the following notice and obtain a signed acknowledgement that the notice was received and read by the applicant and owner.</p> <ul style="list-style-type: none"> • Several federal and state laws regulate the treatment of tribal resources and make it criminal violation to destroy those resources. These include, but are not limited to: <ul style="list-style-type: none"> – California Penal Code Section 622.5 provides the following: “Every person, not the owner thereof, who willfully injures, disfigures, defaces, or destroys any object or thing of archeological or historical interest or value, whether situated on private lands or within any public park or place, is guilty of a misdemeanor.” – Public Resources Code Section 5097.5(a) states, in part, that: – No person shall knowingly and willfully excavate upon, or remove, destroy, injure, or deface, any historic or prehistoric ruins, burial grounds, archaeological or vertebrate paleontological site, including fossilized footprints, inscriptions made by human agency, rock art, or any other archaeological, paleontological or historical feature, situated on public lands, except with the express written permission of the public agency having jurisdiction over the lands. – California Code of Regulations, Title 14, Section 4307 states: “No person shall remove, injure, deface or destroy any object of paleontological, archaeological, or historical interest or value.” Section 1427 “recognizes that California’s archaeological resources are endangered by urban development and population growth and by natural forces...Every person, not the owner thereof, who willfully injures, disfigures, defaces, or destroys any object or thing of archaeological or historical interest or value, whether situated on private lands or within any public park of place, is guilty of a misdemeanor. It is a misdemeanor to alter any archaeological evidence found in any cave, or to remove any materials from a cave.” 	<p>Prior to issuance of excavation or grading permits: verify receipt of acknowledgement from applicant.</p>	<p>Applicant for individual project</p>	<p>City of Los Angeles, Department of Building and Safety</p>

- Best practices to ensure that tribal cultural resources are not damaged include but are not limited to the following steps:
 - A Sacred Lands File (SLF) records search shall be requested from and conducted by the California Native American Heritage Commission (NAHC) to determine whether cultural resources associated with any Native American tribe(s) with traditional lands or cultural places located within or near the Project site have been previously identified or whether the Project area is considered sensitive for the presence of tribal cultural resources.
 - All tribes listed on the NAHC’s Native American Contact List included with the SLF records search shall be contacted, informed of the Project, and given an opportunity to provide input. If the tribe provides substantial evidence of a potential for discovery of tribal cultural resources within the Project site and requests monitoring of Project excavation, grading or other Ground Disturbance Activities, a Qualified Tribal Monitor or an Archaeological Monitor shall be retained.
 - A qualified tribal monitor or archaeological monitor shall observe all ground disturbance activities within those areas identified in the records search as sensitive for the presence of tribal cultural resources in order to identify any resources and avoid potential impacts to such resources. In the event of a possible discovery of a tribal cultural resource, the qualified tribal monitor or archaeological monitor shall have the authority to temporarily halt earthwork activities within an appropriate radius of the find, as determined by the qualified tribal monitor or qualified archaeologist to ensure the find is not damaged or any other potential tribal cultural resources on or near the project site.
 - If tribal resources are uncovered (in either a previously disturbed or undisturbed area), all work should cease in the appropriate radius determined by the qualified tribal monitor and in accordance with federal, state, and local guidelines.
 - Any find shall be treated with appropriate dignity and protected and preserved as appropriate with the agreement of the qualified tribal monitor and in accordance with federal, state, and local guidelines.
 - The location of the tribal cultural resources find and the type and nature of the find should not be published beyond providing it to public agencies with jurisdiction or responsibilities related to the resources any affected tribal representatives.
 - Following discovery, the applicant or owner shall immediately contact all Native American tribes that have informed the City of Los Angeles they are traditionally and culturally affiliated with the geographic area of the Project, as well as the Department of City Planning, Office of Historic Resources (OHR).

Mitigation Measure	Monitoring Phase and Monitoring Actions ¹	Implementing Party	Enforcement and Monitoring Entity
<ul style="list-style-type: none"> - The applicant and owner shall provide any affected tribe a reasonable period of time, not less than five business days, to conduct a site visit and make recommendations to the applicant or owner regarding the monitoring of future ground disturbance activities and the treatment and disposition of any discovered tribal cultural resources. - The applicant or owner shall implement the tribe’s recommendations if the qualified tribal monitor or archaeological monitor reasonably concludes such recommendations are reasonable and feasible and determined to be supported with substantial evidence. <ul style="list-style-type: none"> • Consistent with Public Resources Code Section 21083.2, the handling, treatment, preservation, and recordation of tribal cultural resources shall occur as follows: <ul style="list-style-type: none"> - The find shall be preserved in place or left in an undisturbed state unless the Project would damage the resource. • When preserving in place or leaving in an undisturbed state is not possible, excavation and recovery of the find for scientific study shall occur unless testing or studies already completed have adequately recovered the scientifically consequential information from and about the resource, and this determination is documented by a Qualified Tribal Monitor or Qualified Archaeologist. • All collected artifacts and fieldwork notes, if not human remains or other mortuary objects, shall be curated at the Natural History Museum of Los Angeles County or another appropriate curatorial facility. • If cleared by the Qualified Tribal Monitor or Archaeological Monitor, Ground Disturbance Activities may continue unimpeded on other portions of the site. Ground Disturbance Activities in the area where resource(s) were found may recommence once the identified resources are properly assessed and processed. • Personnel of the project should not collect or move any tribal cultural resources or associated materials or publish the location of tribal cultural resources. 			

Notes:

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

5.0 LIST OF PREPARERS AND PERSONS CONSULTED

This Environmental Impact Report was prepared by the City of Los Angeles with the assistance of Impact Sciences, Inc., Terry A. Hayes Associates, Inc., Cambridge Systematics, and Sirius Environmental staff listed below.

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